

The purpose and intent of this zoning code is to guide and accomplish a co-coordinated, adjusted and harmonious development of the city and its environs so that ultimately uniformity will prevail for present and future needs. See definition section to clarify district regulations.

BE IT ORDAINED by the City Council of the City of Postville Iowa:

ARTICLE 1 ESTABLISHMENT OF DISTRICTS

SECTION 101. USE DISTRICTS

The City is hereby divided into districts:

- A-1 Agricultural
- R-2 Residential – Single Family Dwelling
- R-2 General Residential District
- R-3 Mobile Home Park
- C-1 Commercial – Central Business District
- C-2 Highway Commercial
- I-1 Light Industrial
- I-2 Heavy Industrial

SECTION 102. DISTRICT BOUNDARIES

The provisions of this Ordinance shall apply within the corporate limits of the City of Postville, Iowa, as now or hereafter fixed.

District boundaries are shown on the “Official Zoning Map of the City of Postville, Iowa” said map being as much a part of this Ordinance as if fully described herein. Where uncertainty exists as to boundaries, the following rules shall apply:

- 102.1 Where districts are bounded approximately by street or alley lines, the centerline of streets or alleys shall be construed to be the boundaries.
- 102.2 Where districts are bounded approximately by lot lines, said lot lines shall be construed to be the boundaries.
- 102.3 Where bounded approximately by either streets, alleys, or lots, boundaries shall be determined by the Planning and Zoning Commission.
- 102.4 Whenever any street, alley, or other public way is officially vacated, the zoning district on either side shall be automatically extended to the centerline of said vacation.

SECTION 103. EXTENT OF REGULATIONS WITHIN EACH DISTRICT

Except as hereinafter provided:

- 103.1 No structure shall be erected, moved, converted, demolished, reconstructed, or enlarged, nor shall any structure or land be used except in conformance with the provisions of this Ordinance. See Section 702.
- 103.2 No lot area shall be so reduced or diminished that the yards or other open spaces shall be smaller than prescribed by this Ordinance, nor shall any required yard have any structure or use placed within it, except as hereinafter specified, nor shall any required yard or open space be considered as providing yard or open space for any other structure, portable or otherwise. Lots of record existing at the time of the

adoption of this Ordinance may be used in accordance with regulations of each district and provided that all front, side, and rear yards are met. See Section 501.5.

**ARTICLE 2
ZONING DISTRICTS**

SECTION 201: A-1 AGRICULTURAL DISTRICT

STATEMENT OF INTENT

The A-1 District is intended and designed to preserve and protect those agricultural and undeveloped lands within the city that are not expected to develop in urban uses in the immediate future.

**PERMITTED PRINCIPAL USES
AND STRUCTURES**

MINIMUM OFF-STREET PARKING

- | | |
|---|---|
| 1. Farms, agricultural uses, orchards, nurseries, gardens and greenhouses. | None |
| 2. Single family dwellings | 2 spaces |
| 3. Public Uses. | 5 spaces for each acre
Developed for active usage |
| 4. Golf courses, country clubs, driving ranges, swimming pools and tennis courts. | 3 spaces per green or 1 space for every 100 square feet of clubhouse floor area, whichever is greater |
| 5. Cemeteries. | 20 spaces which may be located on interior drives |
| 6. Churches. | 1 space for every 5 seats in the main auditorium |
| 7. Social activity uses. | 5 spaces for each acre developed for active use |
| 8. Essential services. | None |
| 9. Railroads. | None |

PERMITTED ACCESSORY USES AND STRUCTURES

1. Uses and structures clearly incidental and necessary to the permitted principal uses or structures of this district, not involving the conduct of business on the premises, except home occupations located on the same lot or a contiguous lot under the same ownership.
2. Farm structures incidental to agricultural uses.
3. Private garages, carports, swimming pools and tennis courts not operated for commercial purposes.
4. Temporary structures and equipment used in conjunction with construction work, provided that such structures and equipment are removed promptly upon completion of the construction work.
5. Roadside stands for the sale of produce raised on the premises.

SPECIAL EXCEPTION USES AND STRUCTURES

Subject to Section 705 and other requirements contained herein, the Board of Adjustment may permit the following:

1. Agricultural service businesses that produce no offensive noise, vibration, smoke, dust, odor, heat, glare, or electrical interference detectable within the limits of the nearest dwelling other than that of the owner or operators and that one (1) parking space for each employee and one (1) space for each vehicle used by the business and seven (7) customer parking spaces be provided.
2. Concrete or asphalt mixing or batching plants for temporary use during construction, repair or maintenance of public roads, highways, or other public facilities, provided that the area be restored to a suitable condition free of refuse or debris.
3. Mining, quarrying, lumbering and extraction of minerals raw materials including facilities for storing and transporting such materials; provided that such sue shall not adversely affect surrounding properties; that 1 parking space for each employee and each vehicle used by the operation be provided; that prior approval of the special exception a plan be submitted to and approved by the Board of Adjustment for restoration of the area to a condition compatible with the surrounding area upon conclusion of the operation.
4. Tourist campground provided that water and sewage disposal systems are approved by the City or County Board of Health; those drives shall have all-weather surface; that no campsite is closer than 50 feet to any property line; and that five (5) parking spaces plus one (1) for each campsite be provided.
5. Animal hospital or clinic with one parking space per employee plus four additional spaces.
6. Airports with 1 parking space per employee plus 1 space per hanger space.
7. Commercial roadside stands with 3 parking spaces.
8. Home occupations.
9. Height limitations greater than 35 feet. Any structures higher than 35 feet shall require their own fire protection system in accordance with State Fire Marshall Office recommendations.

MINIMUM LOT AREA AND WIDTH	MINIMUM DISTANCE REQUIREMENTS	MAXIMUM HEIGHT
Area....40,000 square feet Width...200 feet	Front.....25 feet Rear.....30 feet Side.....8 feet Street side, corner lot.....25 feet	35 feet
	When adjoining any residence or residential district there shall be a side yard of 25 feet. a structure with vehicle access onto a street or alley shall have a minimum 15-foot set-back.	

SPECIAL REQUIREMENTS

1. Poultry, livestock or fur bearing animals shall be kept a minimum distance of 1000 feet from the nearest residential development. This does not apply to the usual keeping of household pets not for commercial use.

SECTION 202: R-1 RESIDENTIAL DISTRICT

STATEMENT OF INTENT

The R-1 Single Family Residential District is intended to include areas of lower density residential development where utilities are presently available, and areas suitable for future residential development where utility service can be reasonably extended contiguous to existing development within the corporate limits. NO structures shall be constructed or placed within the 25-foot set-back on a street side. This does not include usual steps.

PERMITTED PRINCIPAL USES AND STRUCTURES	MINIMUM OFF-STREET PARKING
1. Single family dwellings	2 spaces
2. Essential services	

PERMITTED ACCESSORY USES AND STRUCTURES

1. Uses and structures clearly incidental to the permitted principal uses or structures of this district, not involving the conduct of business on the premises.
2. Private garages, carports, swimming pools, tennis courts, gardens and greenhouses not operated for commercial purposes.
3. Temporary structures and equipment used in conjunction with construction work, provided that such structures and equipment are removed promptly upon completion of the construction work.
4. A detached structure shall be located a minimum of four (4) feet from the principal structure. Accessory structures shall not be larger than the area of any one floor of the main or principal structure. (See definition of floor area.)
5. Structures attached to the principal structure shall be considered part of the principal structure for set-back purposes and shall conform to the same front, side, and rear set-back yard regulations.
6. No accessory structures shall be erected in the front yard.
7. Accessory use or structures, portable or otherwise, erected in side yards shall be at least eight (8) feet from the side lot line unless it is on a street side. Accessory structures wholly within the rear yard shall be at least two (2) feet from the side lot line. Accessory structures shall be located a minimum of four (4) feet from the rear lot line unless it is on a street side.
8. Accessory structures shall not exceed or occupy more than fifty percent (50%) of the square footage of required rear yard.
9. Industrial containers and other enclosures not consistent with the residential intent of this district shall not be permitted as accessory structures in this zoning district. This includes, but is not limited to, shipping containers of any size, tractor trailers of any size used for storage regardless of whether or not the trailer is mobile, or similar enclosures that were not originally intended for residential use.

SPECIAL EXCEPTION USES AND STRUCTURES

Subject to Section 805 and other requirements contained herein, the Board of Adjustment may permit the following:

1. Utility systems and substations, but not including equipment storage structures or yards or administrative or sales offices, provided that any substation shall meet the front and rear yard requirements for dwellings and shall provide side yards of not less than twenty (20) feet.
2. Parks and recreation areas. Five off-street parking spaces for each one acre developed for active usage.
3. Home Occupations.

MINIMUM LOT AREA AND WIDTH	MINIMUM DISTANCE REQUIREMENTS	MAXIMUM HEIGHT
Area – 8,000 square feet Width – 60 feet or 45’ Minimum width on The eye of the Cul- de-sac.	Front – 25 feet Rear – 30 feet Side – 8 feet Street side - 25 feet A structure with vehicle access onto a street or alley shall have a minimum 15-foot set-back from the property lines.	35 feet Accessory structure shall not exceed 20 feet in height.

SPECIAL REQUIREMENTS

1. The R-1 District shall observe the fencing and shrubbery requirements as prescribed in Article 401 of this Ordinance.
2. All new principal structures placed in R-1 Districts shall have a minimum length of twenty-four (24) feet on all sides of the structure. For this requirement porches, garages and accessory buildings, which are otherwise permitted by this section, are not included.
3. Any materials used for principal or accessory structures shall be acceptable to a residential district. Corrugated fiberglass panels are permissible only for greenhouses and skylights. Galvanized metal is not a permissible building material. Steel or Fiberglass siding used in agricultural or commercial construction is not a permissible building material for residential siding. Also, roofing material of any nature is not permissible building material for residential siding. For unattached accessory buildings, nongalvanized steel may be used for siding and roofs.
4. Any structure not placed on a permanent foundation shall be anchored in a permanent location and comply with set-back requirements.

SECTION 203: R-2 GENERAL RESIDENTIAL DISTRICT

STATEMENT OF INTENT

The R-2 General Residential District is intended to accommodate single and multi-family residential development at a moderately greater density than the R-1 District. It is generally limited to already developed areas but may be expanded to include appropriate areas for new development of low-cost or multi-family housing within the corporate limits. NO structures shall be constructed or placed within the 25-foot set-back on a street side. This does not include usual steps.

PERMITTED PRINCIPAL USES AND STRUCTURES	MINIMUM OFF-STREET PARKING (see Article 3)
See Section 702 for Permit Requirements	
1. Any structure or use specifically permitted in R-1 district.....	See R-1
2. Parks and recreation areas not operated for profit.....	5 spaces for each acre developed for active usage.
3. Essential Services	
4. Manufactured Home for single family dwellings.	
5. Churches	1 Space for every 5 seats in the main auditorium

PERMITTED ACCESSORY USES AND STRUCTURES

1. Uses and structures clearly incidental to the permitted principal uses or structures of this district, not involving the conduct of business on the premises.
2. Private garages, carports, swimming pools, tennis courts, gardens and greenhouses not operated for commercial purposes.
3. Temporary structures and equipment used in conjunction with construction work, provided that such structures and equipment are removed promptly upon completion of the construction work.
4. A detached structure shall be located a minimum of four (4) feet from the principal structure. Accessory structures shall not be larger than the area of any one floor of the main or principal structure. (See definition of floor area)
5. Structures attached to the principal structure shall be considered part of the principal structure for set-back purposes and shall conform to the same front, side, and rear set-back yard regulations.
6. No accessory structures shall be erected in the front yard.
7. Accessory use or structures, portable or otherwise, erected in side yards shall be at least eight (8) feet from the side lot line unless it is on a street side. Accessory structures wholly within the rear yard shall be at least two (2) feet from the side lot line. Accessory structure shall be located a minimum of four (4) feet from the rear lot line unless it is on a street side.

8. Accessory structures shall not exceed or occupy more than fifty percent (50%) of the square footage of required rear yard.

9. Industrial containers and other enclosures not consistent with the residential intent of this district shall not be permitted as accessory structures in this zoning district. This includes, but is not limited to, shipping containers of any size, tractor trailers of any size used for storage regardless of whether or not the trailer is mobile, or similar enclosures that were not originally intended for residential use.

SPECIAL EXCEPTIONS USES AND STRUCTURES

Subject to Section 805 and other requirements contained herein, the Board of Adjustment may permit the following:

1. Sanitariums, rest, nursing and convalescent homes; homes for orphans and aged on sites of one (1) acre or more. Off-street parking requirement of 1.5 spaces per unit.
2. Utility distribution systems and substations but not including equipment storage structures or yards or administrative or sales office, provided that any substation shall meet the front and rear yard requirements for dwellings and shall provide side yards of not less than twenty (20) feet.
3. Schools, nursery schools and Day Care Centers provided that such use will not adversely affect surrounding properties; that all necessary precautions and safeguards be taken to minimize the non-residential character, traffic, parking and noise of the use and that minimum off-street parking be provided as one (1) space for each classroom and office plus one (1) space for every six (6) seats in the main auditorium or stadium.
4. Social activities with one parking space for every 50 square feet of floor area.
5. Home occupations.
6. Cemeteries with 20 parking spaces which may be located on interior drives.
7. Rooming and boarding houses, Bed & Breakfast homes and Dormitories with one (1) off-street parking space per bed or suite.
8. Community meeting or recreation structures not operated for profit with one (1) off-street parking space for every 50 square feet of floor area.
9. Hospitals and medical, dental and chiropractic clinics with one (1) off-street parking space for each physician, plus 5 additional spaces.
10. Funeral homes with one (1) off-street parking space for every 5 seats in the main chapel.
11. Public uses with five (5) off-street parking spaces for each acre developed for active usage.
12. Golf courses with three (3) parking spaces per green or one (1) space for every 100 square feet of clubhouse floor area, whichever is greater.
13. Two family dwellings, provided that there are two off-street parking spaces per unit available; and also provided that the Planning and Zoning Commission and the Board of Adjustment find that all city utilities and streets would not be unduly burdened by allowing a two-family dwelling in the area proposed.

14. Multi-family dwellings or apartment buildings, provided that 1.5 spaces of off-street parking per unit are available. It shall further be required that the Planning and Zoning Commission and the Board of Adjustment determine that city utilities and streets will not be unduly burdened by allowing a multi-family dwelling or apartment house in the area requested; and that the Planning and Zoning Commission and Board of Adjustment also determine that adequate multi-family dwellings or apartment houses are not already available with substantial vacancies.

**MINIMUM LOT
 AREA AND WIDTH**

**MINIMUM DISTANCE
 REQUIREMENTS**

Single family dwellings
 Area.....6,500 square feet
 Width.....50 feet

Front.....25 feet
 Rear.....30 feet
 Side.....8 feet
 Street side.....25 feet

Two family dwellings
 Area.....10,000 square feet
 Width.....75 feet

A structure with vehicle access onto a street or alley shall have a minimum 15-foot set-back from the property line.

Multi-family dwellings
 Area.....11,500 square feet
 For 3 units plus 1,500 Feet for each additional unit
 Width.....75 feet

MAXIMUM HEIGHT
 Dwellings.....35 feet
 Accessory structures.....20 feet
 Other structures.....as deemed appropriate by Board of Adjustment

SPECIAL REQUIREMENTS

1. The R-2 District shall observe the fencing and shrubbery requirements as prescribed in Article 4 of this Ordinance.
2. All new principal structures placed in R-2 Districts shall have a minimum length of twenty-four (24) feet on all sides of the structure. For this requirement porches, garages and accessory building, which are otherwise permitted by this section, are not included.
3. Any materials used for principal or accessory structures shall be acceptable to a residential district. Corrugated fiberglass panels are permissible only for greenhouses and skylights. Galvanized metal is not a permissible building material. Steel or Fiberglass siding used in agricultural or commercial construction is not a permissible building material for residential siding. Also, roofing material of any nature is not permissible building material for residential siding. For unattached accessory buildings, non-galvanized steel may be used for siding and roofs.
4. Any structure not placed on a permanent foundation shall be anchored in a permanent location and comply with set-back requirements.

SECTION 204: R-3 MANUFACTURED/MOBILE HOME COMMUNITIES

STATEMENT OF INTENT

The R-3 Manufactured/Mobile Home Communities District is established to accommodate mobile home parks where their use will be compatible with existing and indicated future development.

PERMITTED PRINCIPAL USES AND STRUCTURES (See Section 702 for Permit Requirements)

1. Single family mobile homes.
2. Single family manufactured homes.
3. Essential services.
4. Modular homes.

SECTION 204.2. PURPOSE. The purpose of this Ordinance is to provide minimum standards for development of Manufactures/Mobile Home Communities pursuant to and in compliance with the procedures and regulations provided in the Postville Zoning Ordinance.

SECTION 204.3 ZONING REQUIRED. Development or enlargement of a manufactured/mobile home community requires compliance with the provisions of Chapter 166 of the Code of Ordinances. The site, size and area requirements set out in this section are intended to be minimum standards to be met by the specific development plans required under Chapter 166.

SECTION 204.4 DEFINITIONS

The following definitions shall be applicable to the terms used in this section:

Accessory Use: A use incidental to the primary use of the Manufactured/Mobile Home Community such as direct service facility building, community management building, maintenance building, community buildings, or other uses of a similar nature.

Appurtenances: An attached or detached addition to a manufactured/mobile home, situated on the manufactured/mobile home lot for the use of its occupants, such as decks, open or enclosed carports, garages, storage sheds, or items of a similar nature.

Common Area: Any area or space designed for joint use of tenants occupying manufactured/mobile home communities.

Driveway: A minor private way used by vehicles and pedestrians on a manufactured/mobile home lot.

Electric Receptacle: The waterproof, attachment receptacle device located adjacent to the water and sewer outlets to receive the flexible cable from the manufactured/mobile home; or where required, the permanently installed conductors.

Electric Service Drop: That part of the electric distribution system from the main electrical distribution system, overhead or underground to the service equipment serving one or more manufactured/mobile home spaces.

Existing Installations: Those installations which were constructed before the effective date of this ordinance.

Manufactured/Mobile Home: A transportable, single family dwelling unit suitable for year-round occupancy having no foundation other than wheels, jacks, piers, grade beams or skirtings and containing water supply, waste disposal, heating and electrical conveniences.

Manufactured/Mobile Home Lot: A parcel of land for the placement of a single manufactured/mobile home and the exclusive use of its occupants.

Manufactured/Mobile Home Community: A parcel of land under single ownership which has been planned and improved for the placement of manufactured/mobile homes for non-transient use.

Manufactured/Mobile Home Stand: That part of an individual manufactured/mobile home lot which has been reserved for the placement of the manufactured/mobile home and any appurtenances thereto.

Motorized Home: A portable dwelling designed and constructed as an integral part of a self-propelled vehicle.

New Installations: Those which are proposed for construction after the effective date of these rules and regulations.

Patio: A surfaced outdoor living space designed to supplement toe manufactured/mobile home living area.

Roadway: That portion of the manufactured/mobile home community street system that is surfaced for the actual travel or parking of vehicles, and including curbs. Surface shall be a hard, smooth, dust-free and weed-free surfacing (seal coat or equivalent surface).

Sewer Connection: The connection consisting of all pipes, fittings, and appurtenances from the drain outlet of the manufactured/mobile home to the inlet of the corresponding sewer riser pipe of the sewerage system serving the manufactured/mobile home community.

Sewer Riser Pipe: That portion of the sewer lateral which extends vertically to the ground elevation and terminates at each manufactured/mobile home lot.

Skirting: The materials and construction around the perimeter of a manufactured/mobile home floor between the bottom of the manufactured/mobile home floor and the grade level of the manufactured/mobile home stand.

Tenant Storage: An area within part of the manufactured/mobile home community but not within an individual lot to provide auxiliary general storage space.

Transient Use: The occupancy of a manufactured/mobile home lot by a manufactured/mobile home for a period of 14 days or less.

Travel Trailer: A vehicular, portable structure on a chassis, designed to be used as a temporary dwelling.

Water Connection: The connection consisting of all pipes and fittings from the water riser pipe to the water inlet pipe of the distribution system within the manufactured/mobile home.

Water Riser Pipe: That portion of the water supply system serving the manufactured/mobile home community which extends vertically to the ground elevation and terminates at a designated point at each manufactured/mobile home lot.

For the purpose of this Ordinance, the “Front” of a manufactured/mobile home shall be considered as that part of the manufactured/mobile home facing toward the approved street or right-of-way as required by this Ordinance.

SECTION 204.5 SITE REQUIREMENTS

- A. The area proposed for a manufactured/mobile home community shall have at least ten acres of gross development area or provide for a minimum of 40 manufactured/mobile home lots.
- B. A manufactured/mobile home community may be developed in two or more stages, provided that said stages conform in all respects with the overall Manufactured/Mobile Home Community Development Plan as described in Section 166.44. Occupancy shall not be permitted until all facilities and improvements are installed and operational for not less than 25 manufactured/mobile home lots with all conditions of the required site plan being satisfied.
- C. No manufactured/mobile home shall be connected to water, sewer, or electrical service unless the manufactured/mobile home complies with the standards and requirements prescribed by “The United States Department of Housing and Urban Development (HUD) Standards” and/or ANSI 119.1.
 - 1. Compliance with this standard shall be determined by the Administrative Officer.
 - 2. A certificate issued by the manufacturer of the manufactured/mobile home shall be permanently affixed on a readily visible location on the exterior of the manufactured/mobile home prima facie evidence of such compliance.

SECTION 204.6 AREA REQUIREMENTS

Every lot upon which a manufactured/mobile home unit is located shall front onto an approved public or private street or right-of-way as defined in this ordinance and shall conform to the following minimum lot area and width requirements.

- A. Residential Use. The lot area shall be a minimum of 5,500 square feet, have a minimum dimension of 110 feet on its longest side, and a minimum of 50-foot frontage on an approved public or private street or right-of-way and not less than 15 feet in depth from back of curb.
- B. Accessory Uses.
 - 1. The lot area shall be a minimum of 4,000 square feet for basic requirements for such uses as direct servicing, management and maintenance of the community. Any such structure shall be of permanent type construction meeting all local applicable building and zoning codes. Building set-backs shall be the same as defined in subsection (a) of this section.
 - 2. For uses requiring larger lot areas than heretofore set forth under this section, such uses may be permitted if lot sizes are increased proportionately to maintain minimum yard and separation requirements as set forth in this Ordinance. The most restrictive rules shall apply.

SECTION 204.7 DENSITY & BULK REQUIREMENTS

- A. The minimum distance between any detached appurtenance and any other detached appurtenance on the same lot or any manufactured/mobile home on the same lot shall be ten (10) feet.

- B. There shall be provided and maintained a minimum distance of 3 feet between any detached appurtenance buildings to the side or rear lot lines.
- C. Manufactured/mobile homes shall be separated from each other on opposing sides of public or private streets a minimum of 58 feet provided that in no event shall the required front yard be less than set forth in the Ordinance. No manufactured/mobile home accessory use of appurtenance shall be permitted in the required manufactured/mobile home lot front yard or in the required separation between manufactured/mobile homes on opposing sides of public or private streets as provided in this chapter.
- D. Manufactured/mobile homes shall be setback a minimum of 3 feet from side lot line. In addition, the sides of manufactured/mobile homes shall be separated from each other a minimum of 10 feet.

SECTION 204.8 PERIMETER AREA REQUIREMENTS

- A. Each yard abutting on a perimeter public street shall be considered a front yard and shall be a minimum of 25 feet in depth.
- B. All other yards shall have a minimum depth of 20 feet when adjacent to any "A" District or other "R" District other than an R-3 District and 20 feet when adjacent to another R-3 District or when adjacent to any district other than "A" or "R" District.
- C. The yard requirement herein may be reduced by one-half the width of any alley adjacent thereto and, provided further than a greater or lesser yard may be required where the City Council deems necessary.
- D. Where the boundary of a manufactured/mobile home community directly abuts another use district, the City Council may, where it deemed necessary, require an area a minimum of 10 feet in width be reserved along the perimeter of the manufactured/mobile home community and within said area require the erection of a fence or wall 6 feet in height of a material which will provide a significant visual and sound barrier, and/or screen plantings to be provided and maintained with a minimum height of 8 feet at maturity; or as otherwise required by the City Council.

Where the boundary of a manufactured/mobile home community abuts an R zoning district, the City Council may require additional screening measures to include, but not limited to, placement of multi-sectional units along the perimeter of the area adjacent to the R zoning district, additional open space, or equivalent measures.

SECTION 204.9 SOIL AND GROUND COVER REQUIREMENTS

Exposed ground surfaces in all parts of every manufactured/mobile home community shall be paved, or covered with stone screenings, or other solid material, or protected with a vegetative growth that is capable of preventing soil erosion and of preventing objectionable dust.

SECTION 204.10 SITE DRAINAGE REQUIREMENTS

A storm water management plan shall be developed and must receive approval by the City Engineer.

SECTION 204.11 AREAS FOR ACCESSORY USES

- A. No part of any community shall be used for non-residential purposes, except such uses that are required for the direct servicing and well being of community residents and for the management and maintenance of the community.
- B. Nothing contained in this section shall be deemed as prohibiting either:

1. The sale by an owner of a manufactured/mobile home located on a manufactured/mobile home site and connected to the pertinent utilities. Any sales of manufactured/mobile homes in place on the manufactured/mobile home site shall not in any way relieve any parties involved from complying with all the applicable regulations of this ordinance.
2. Uses accessory to the residential uses as described in the Zoning Ordinance.

SECTION 204.12 REQUIRED RECREATION AREAS

- A. In all communities, there shall be one or more recreation areas that shall be easily accessible to all community residents.
- B. The size of such recreation areas shall be based upon a minimum of 500 square feet for each lot. No outdoor recreation area shall contain less than 25,000 square feet.
- C. Required recreational area shall be computed in addition to any other common open space required elsewhere in this Ordinance.
- D. Recreation areas shall be located as to be free of traffic hazards and should be easily accessible.

SECTION 204.13 STREET SYSTEMS

- A. General Requirements. All manufactured/mobile home communities shall be provided with safe and convenient vehicular access from abutting public or private streets or roads to each manufactured/mobile home lot. Alignment and gradient shall be properly adapted to topography as approved by the City Engineer.
- B. Access. Access to manufactured/mobile home communities shall be designed to minimize congestion and hazards at the entrance or exit and allow free movement of traffic on adjacent streets. The entrance road connecting the streets with a public street or road shall have a minimum road pavement width of 44 feet where parking is permitted on both sides, or a minimum road pavement width of 36 feet where parking is limited to one side. Where the primary entrance road is more than 100 feet long and does not provide access to abutting manufactured/mobile home lots within such distance, the minimum road pavement width may be 28 feet providing parking is prohibited at both sides.
- C. Interior Streets. Surfaced roadways shall be of adequate width to accommodate anticipated traffic, and in any case shall meet the following minimum requirements:
 1. All streets allowing no street parking shall be 28 feet back of curb to back of curb.
 2. Dead end streets shall be limited in length to 300 feet and shall be provided at the closed end with a turn around having an outside roadway radius of at least 40 feet with no parking permitted. Where parking is permitted the radius shall not be less than 48 feet.
 3. All streets of a manufactured/mobile home community providing ingress and egress from an abutting public street or road approved by the City Engineer and by any other governmental agency exercising control over such streets or roads. Said design shall accommodate the moving of manufactured/mobile homes within the community without causing disturbance and/or damage to other manufactured/mobile homes or respective lots.

- D. Required Illumination of Manufactured/Mobile Home Community Street Systems. All communities shall be furnished with lighting units so spaced and equipped with approved fixtures placed at such mounting heights as will provide the following average maintained levels of illumination for the safe movement of pedestrians and vehicles at night.
 - 1. All parts of the community systems: 0.6 foot-candle, with a minimum of .25 foot-candle.
 - 2. Potentially hazardous locations, such as major street intersections and steps or stepped ramps: Individually illuminated with a minimum of 0.4-foot candle.
- E. Street Construction and Design Standards. All other street design and construction shall be approved by the City Engineer.

SECTION 204.14 REQUIRED PARKING AREAS

- A. Parking areas shall be provided in all manufactured/mobile home communities for the use of community occupants and guests. Such areas shall be furnished at the rate of at least 2 car spaces for each manufactured/mobile home lot. (Minimum space 9' x 19'.) Addition guest parking shall be provided in reasonable numbers and shall be so located as to provide access to the manufactured/mobile home that it is intended to serve. All parking areas shall be constructed with a hard, smooth, dust-free surfacing (seal-coat or equivalent surface).
- B. Off-street parking and storage areas provided for storing of boats, boat trailers, travel trailers, pickup coaches, truck tractors, trucks over $\frac{3}{4}$ ton pickup size, and items of a similar nature must be constructed with a hard, smooth, dust-free and weed-free surfacing (seal coat or equivalent surface). Said parking and storage area shall be in addition to parking required elsewhere in this section and parking and storage of vehicles and items listed in this paragraph shall not be permitted in parking areas required elsewhere in this section. Temporary manufactured/mobile home storage may be permitted prior to permanent placement on the manufactured/mobile home stand such temporary storage of a manufactured/mobile home shall not exceed 48 hours.

SECTION 204.15 WALKS

General Requirements. All communities shall be provided with city sidewalks in all perimeter areas adjacent to the public right-of-way. All sidewalks shall be constructed in accordance with Chapter 136 of the Code of Ordinances.

SECTION 204.16 MANUFACTURED /MOBILE HOME SITES

The area of the manufactured/mobile home site shall be improved to provide an adequate foundation for the placement and tie-down of the manufactured/mobile home, thereby securing the superstructure against uplift, sliding, rotation and overturning.

- A. The manufactured/mobile home site shall be constructed in such a manner that it will meet or exceed industry standards.
- B. Tie-downs or anchors shall be placed to provide a readily accessible anchor for the manufactured/mobile home and be able to sustain a minimum tensile strength as per manufacturer's requirements.
- C. Skirting of a permanent type material and construction shall be installed to enclose the open space between the bottom of a manufactured/mobile home floor and the grade level of the manufactured/mobile home stand and shall be so constructed to provide

substantial resistance to heavy winds, thereby alleviating to the maximum extent possible, lifting action created on the underside of the manufactured/mobile home by heavy winds.

- D. A sufficiently screened, ventilating area shall be installed in the skirting to supply the combustion requirements of the manufactured/mobile home. Provision shall be made for easy removal of a section large enough to permit access for inspection of the enclosed area under the manufactured/mobile home and for repairs on sewer and water riser connections.
- E. Skirting shall be maintained in an attractive manner consistent with the exterior of the manufactured/mobile home and to preserve the appearance of the manufactured/mobile home community.

SECTION 204.17 WATER SUPPLY

- A. General Requirements. All manufactured/mobile home stands and manufactured/mobile home community facilities shall be connected to the city's water supply and its supply used exclusively.
- B. Source of Supply: The water supply shall be designated to supply a minimum of 300 gallons per day per manufactured/mobile home plus the required fire flow of 1,500 gallons per minute and 20 pounds of pressure.
- C. Water Distribution System
 - 1. The water supply system of the manufactured/mobile home community shall be connected by pipes to all manufactured/mobile homes, buildings, and other facilities requiring water. Water main 6 inches through 8 inches in diameter shall be PVC pipe meeting AWWA C900 SDR18 or ductile iron pipe meeting AWWA C151 Class 52. Ductile iron pipe shall be provided with a cement-mortar lining meeting AWWA C104. Water main fittings shall meet AWWA C153 or AWWA C110 with cement-mortar lining meeting AWWA C104. Fittings shall be provided with mechanical joints meeting AWWA C111 and shall have an exterior bituminous enamel coating.
 - 2. The water piping, back flow prevention devices, fixtures and other equipment shall be constructed and maintained in accordance with federal, state, and local regulations.
 - 3. The water system and all appurtenances shall be designed, constructed, and maintained according to the specifications and requirement of the City Engineer. Plans for water distribution systems and back flow prevention systems shall be approved by the City Engineer.
 - 4. Back flow prevention devices shall be required at the connection of the manufactured/mobile home community water system to the city water distribution system and shall conform to all the installation and location requirements as required by the Code of Ordinances.

SECTION 204.18 INDIVIDUAL WATER RISER PIPES AND CONNECTIONS

- A. Individual service lines and water riser pipes shall be provided for each manufactured/mobile home lot. The riser pipe shall be located within the confined area of the manufactured/mobile home stand at a point where the water connection will approximate a vertical position. Water service lines shall be of Type K soft temper copper meeting STM B88. Water service pipe shall be laid at least 5-1/2 feet, but not more than 6 feet below the surface of the finished surface of the ground. When PVC water main is

installed, water services shall be tapped to the water main using a service saddle. Installation shall be approved by the Director of Public Works.

- B. Water riser pipes shall extend at least to ground level. The pipe shall be at least $\frac{3}{4}$ inch inside diameter. The water outlet shall be capped when a manufactured/mobile home does not occupy the lot.
- C. Adequate provisions shall be made to prevent freezing of service lines, valves and riser pipes from heaving and thawing actions of ground during freezing weather. Surface drainage shall be diverted from the location of the riser pipe.
- D. A service shut-off valve shall be placed on every service line on each manufactured/mobile home lot near the riser pipe.
- E. Underground stop and service valves shall have round ways of the same diameter as the pipe with which they are placed, proper keys for turning on and off, and be of a make and pattern approved by the City Water Department.
- F. An approved back flow prevention device shall be installed on individual service lines, when or were deemed necessary by the Director of Public Works.

SECTION 204.19 SEWAGE DISPOSAL

- A. General Requirements. An adequate and safe sewerage system shall be provided in all manufactured/mobile home communities for conveying and disposing of all sewage. Such system shall be designed, constructed and maintained in accordance with state of Iowa and as approved by the City Engineer.
- B. Sewer Lines. All sewer mains and laterals shall be constructed according to the Code of Ordinances and connected to the city sewer system. For private sewer mains, PVC pipe SDR 35 A.S.T.M. D 3034 or equivalent is acceptable.
- C. Individual Sewer Connections.
 - 1. Each manufactured/mobile home stand shall be provided with a least a four-inch diameter sewer riser pipe. The sewer riser pipe shall be so located on each stand that the sewer connection to the manufactured/mobile home drain outlet will approximate a vertical position.
 - 2. The sewer connection (see definition) shall have a minimum inside diameter of three inches, and the slope thereof shall not be less than on-fourth inch per foot. The sewer connection shall consist of one pipeline only without any branch fittings, all joints shall be air and watertight.
 - 3. All materials used for sewer and sewer connections and installation shall be approved by the City Engineer.
 - 4. Provisions shall be made for securely plugging the sewer riser pipe when a manufactured/mobile home does not occupy the lot. Surface drainage shall be diverted away from the riser. The rim of the riser pipe shall extend at least to ground level.

SECTION 204.20 ELECTRICAL DISTRIBUTION SYSTEM

- A. General Requirements. Every community shall contain an electrical wiring system consisting of necessary wiring, fixtures, and equipment that shall be installed and maintained in accordance with applicable codes and regulations governing such systems.
- B. Main Electrical Power Distribution Lines. Main electrical power lines should be constructed underground according to local electric utility specifications.
- C. Individual Electrical Connections.
 - 1. Each manufactured/mobile home stand shall be provided with an approved disconnecting device and over-current protective equipment. The minimum service per manufactured/mobile home stand outlet shall be according to the National Electrical Code. Minimum size for feeder circuits shall be 100 amps.
 - 2. Outlet receptacles at each manufactured/mobile home stand shall be located not more than 30 feet from the exterior wall of the manufactured/mobile home it serves and a three pole, four-wire grounding type shall be used. Receptacles shall be of weatherproof construction and configuration shall be in accordance with "Standard for Manufactured/Mobile Homes USAS A119.1" published by United States of America standards Institute.
 - 3. The manufactured/mobile home shall be connected to the outlet receptacle that meets ANSI C73.17-1972, American Standard dimension of caps, plugs and receptacles by an approved type of flexible cable with connectors and a male attachment plug.
However, where the calculated load of the manufactured/mobile home is between 50 and 100 amperes, a second 50 ampere power supply assembly may be installed or an electrical service shall be provided by means of permanently installed conductors.
 - 4. Where the calculated load exceeds 100 amperes or where a permanent feeder is used, the supply shall be by means of a four-wire installation according to city specifications.
 - 5. Required Grounding. All exposed non-current carrying metal parts of manufactured/mobile homes and all equipment having electrical connections shall be grounded by means of an approved grounding conductor with branch circuit conductors or other approved method of grounded metallic wiring. The neutral conductor shall not be used as a ground for manufactured/mobile homes or other electrical equipment.

SECTION 204.21 MANUFACTURED/MOBILE HOME STORM SHELTERS

- A. General Requirements. Every manufactured/mobile home community of 10 or more mobile home spaces which is constructed after the effective date of the Ordinance shall be provided with above or below-grade storm shelters which shall:
 - 1. Have a minimum floor area of 7 square feet for each manufactured/mobile home space in said manufactured/mobile home community.
 - 2. Be designed by a licensed structural engineer or architect and built-in accordance with plans as approved by the City Engineer.

3. Be designed and constructed to meet all Federal Emergency Management Agency (FEMA) requirements and guidelines if shelter is located in a flood plain.
 4. Be designed and constructed to meet the minimum lighting, ventilation and exiting requirements of the City of Postville's currently adopted editions of the Uniform Building Code, Uniform Mechanical Code, Uniform Plumbing Code and National Electrical Code, where applicable.
 5. Be designed and constructed to meet all applicable requirements of the Americans with Disabilities Act (ADA).
 6. Be located no farther than 1,320 linear feet from the furthest manufactured/mobile home space in the manufactured/mobile home community.
- B. Additions to Existing Communities. For any addition of 10 or more manufactured/mobile home spaces to any existing manufactured/mobile home community, a storm shelter which complies with the general requirements of subparagraph (a) hereof shall be provided to serve such additional spaces. For any addition of fewer than 10 manufactured/mobile home spaces to an existing manufactured/mobile home community which otherwise complies with the requirements of subparagraph (a) of this section, there is no requirement that an additional shelter be provided to serve such additional spaces. Provided, however, that when two or more such additions of fewer than 10 manufactured/mobile home spaces result in a cumulative addition of 10 or more manufactured/mobile home spaces to a manufactured/mobile home community which otherwise complies with the requirements of subparagraph (a) of this section, a storm shelter which complies with the general requirements of subparagraph (a) of this section shall be provided to serve such additional spaces.
- C. Restroom Facilities. Restroom facilities in required storm shelters are mandatory. Toilets may be either flush-type operating from normal water supply, chemical, or other approved types.
- D. Access to Shelters. The manufactured/mobile home community owner, or such owner's designated agent or representative, shall be responsible for making the storm shelter accessible and usable in times of need. It shall be unlawful for any required storm shelter to be used for storage purposes if such storage reduces the minimum floor area available for shelter of person below the requirements of subparagraph (1) of this section
- E. Existing Non-Conforming Manufactured/Mobile Home Communities.
1. Any manufactured/mobile home community of 10 or more manufactured/mobile home spaces which has an existing above or below-grade storm shelter as of the effective date of this Ordinance which does not conform with the requirements of this section, shall be deemed a non-conforming manufactured/mobile home community with regard to the requirements for storm shelters and may continue to exist as a non-conforming manufactured/mobile home community for so long as said existing shelter remains in place and usable; provided, however, that any manufactured/mobile home spaces added to such community after the effective date of this ordinance shall require storm shelters as provided in subparagraph (b) of Section 204.21.

SECTION 204.22 REFUSE HANDLING

- A. The storage, collection and disposal of refuse in the manufactured/mobile home community shall be so conducted as to create no health hazards, rodent harborage, insect breeding areas, accident or fire hazards or air pollution.

- B. All refuse shall be stored in fly-tight, watertight, rodent-proof containers. Containers shall be provided in sufficient number and capacity to properly store all refuse.
- C. All manufactured/mobile home communities shall offer recycling opportunities for residents by either providing drop-off facilities or curbside collection or some other alternative method for diverting solid waste from area landfills.
- D. Refuse collection stands located on an impervious slab at ground level shall be provided for all refuse containers. Such container stands shall be so designed as to prevent containers from being tipped, to minimize spillage and container deterioration and to facilitate cleaning around them.
- E. All refuse containing garbage shall be collected at least once weekly. Collection shall be contracted by said manufactured/mobile home community and private commercial carrier.

SECTION 204.23 NATURAL GAS SYSTEM

Natural gas piping systems shall be installed and maintained in accordance with applicable codes and regulations governing such systems established by franchised public utility.

SECTION 204.24 INSECT AND RODENT CONTROL

- A. Grounds, buildings and structures shall be maintained free of insect and rodent harborage and infestation. Extermination methods and other measures to control insects and rodents shall conform to the requirements of the applicable county health department.
- B. Communities shall remain free of accumulations of debris that may provide rodent harborage or breeding places for flies, mosquitoes, and other pests.
- C. Storage areas shall be so maintained as to prevent rodent harborage.
- D. The growth of brush, weeds, and grass shall be controlled to prevent harborage of ticks, chiggers and other offensive insects. Communities shall be so maintained as to prevent the growth of ragweed, poison ivy, poison oak, poison sumac and other weeds considered detrimental to health. Open areas shall be maintained and free of heavy undergrowth of any description.

SECTION 204.25 FIRE PROTECTION

- A. The manufactured/mobile home community area shall be subject to the rules and regulations of the Postville Fire Department.
- B. Manufactured/mobile home communities shall be kept free of litter, rubbish and other flammable materials.
- C. Portable fire extinguishers of the type approved by the Postville Fire Department shall be kept in service buildings and at all locations designated by such fire prevention authority and shall be maintained in good operating condition.
- D. Fire hydrants shall be installed in the community's water system and located at such locations as determined by the Postville Fire Department and the Director of Public Works. Piping layout and sizing shall be determined and approved by the Director of Public Works.

SECTION 204.26 RESPONSIBILITIES OF COMMUNITY MANAGEMENT

- A. The owner/manager of a manufactured/mobile home community shall operate the community in compliance with this Ordinance and regulations issued hereunder and shall provide adequate supervision to maintain the community, its facilities and equipment in good repair and in a clean and sanitary condition.
- B. The community management shall notify community residents of all applicable provisions of this ordinance and regulations issued hereunder.
- C. Required skirting shall be installed in accordance with the provisions of this Ordinance and within 30 days after initial occupancy unless prohibited by frozen ground, in which event such skirting shall be installed immediately after the ground become unfrozen, but in all instances no later than June 1 of the year following installation.

SECTION 204.27 RESPONSIBILITIES OF COMMUNITY OCCUPANTS

- A. The community occupant shall comply with all applicable requirements of this ordinance and regulations issued hereunder and shall maintain his or her manufactured/mobile home lot, its facilities and equipment in good repair and in a clean and sanitary condition.
- B. All city ordinances with respect to keeping on animals and pets shall apply.

SECTION 204.28 RESTRICTION ON OCCUPANCY

A manufactured/mobile home shall not be occupied for dwelling purposes unless it is properly placed on a manufactured/mobile home site and connected to water, sewer, electrical and natural gas utilities.

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A manufactured/mobile home shall not be occupied for dwelling purposes unless it is properly placed on a manufactured/mobile home site and connected to water, sewer, electrical and natural gas utilities.

SECTION 204.29 MANUFACTURED/MOBILE HOME COMMUNITY REGULATIONS, VARIATIONS & EXCEPTIONS

Whenever the tract proposed to be developed is of such unusual size or shape or is surrounded by such development or unusual conditions that the strict application of the requirements contained in these regulations would result in substantial hardships or injustice, the City Council upon recommendation of the Board of Adjustment may vary or modify such requirements so that the developer is allowed to develop the property in a reasonable manner; provided that the public welfare and interests of the city and surrounding area are protected and the general intent and spirit of these regulations are preserved.

SECTION 204.30 OCCUPANCY OF MANUFACTURED HOME

It shall be unlawful to use any manufactured/mobile home within the corporate limits of the City Of Postville, except when located in a manufactured/mobile community regularly approved according to the provisions of this chapter of the Code of Ordinances of the City of Postville, or an area licensed by the State of Iowa as a manufactured/mobile home community prior to the effective date of this chapter, and except such manufactured/mobile homes or vehicles may be used for human occupancy in an area authorized by the City Council for recreational or other purposes subject to respective rules and regulations.

SECTION 204.31 STORAGE

This section does not prohibit the storage of one travel trailer, pickup coach, or motorized home for any one family providing that the stored location of said unit is in compliance with the regulations of the Zoning Ordinance of the City of Postville.

Parked or stored travel trailers, pickup coaches or motorized homes may be occupied or used for living, sleeping, or housekeeping purposes under the following circumstances: (a) The vehicle shall not be parked on a city street or alley; (b) The vehicle shall not be parked in a required front or corner side yards; (c) Occupancy of the vehicle is limited to not more than 72 hours unless special approval from the City is received.

SECTION 204.32 SPECIAL EXCEPTION USES AND STRUCTURES

Subject to Section 805 and other requirements contained herein, the Board of Adjustment may permit the following:

1. Anything permitted in an R-1 district provided that all requirements are in compliance with an R-1 district.
2. Anything permitted in an R-2 district provided that all requirements are in compliance with an R-2 district.
3. Utility distribution systems and substations but not including equipment storage structures or yards or administrative or sales office, provided that any substation shall meet the front and rear yard requirements for dwellings and shall provide side yards of not less than twenty (20) feet.
4. Home occupations.
5. Smaller trailers may be allowed temporarily up to one year.
6. Those special exception uses and structures deemed appropriate by the Planning and Zoning Commission and Board of Adjustment.

SECTION 204.33 SPECIAL REQUIREMENTS

1. The R-3 District shall observe the fencing and shrubbery requirement as prescribed in Article 4 of this Ordinance.
2. Mobile homes as defined in Section 135D.1 of the Code of Iowa, other than mobile homes which meet the definition of a "manufactured home" under Iowa Code Chapter 135D, shall be placed or located only in R-3 Zoning Districts.
3. It shall be unlawful to move a mobile home without first applying to the administrative officer for a permit to do so and until a permit has been granted.

**SECTION 205: C-1 COMMERCIAL – CENTRAL BUSINESS DISTRICT
STATEMENT OF INTENT**

The C-1 Central Business District is intended to accommodate general retail and professional office uses and promote the efficient and compact development of the central business district, the area to which the use of this district is limited.

**PERMITTED PRINCIPAL USES
AND STRUCTURES**

**MINIMUM OFF-STREET PARKING
(See Article 3)**

See Section 702 for Permit Requirements

No off-street parking required in this district Except where indicated.

Refer to **Fire Zone** structures constructed, altered or demolished within the Fire Limits District.

1. Dry cleaners or laundry.
 2. Social activities, club and lodges.
 3. Retail businesses.
 4. Real estate, insurance and financial institutions.
 5. Personal service and repair shops.
 6. Business and professional offices, banks and studios.
 7. Medical, dental, chiropractic clinics and veterinary clinics.
 8. Restaurants, night club, café, tavern, or liquor store.
 9. Essential services, public structures, utilities, distribution systems, or substations, but not including open storage or maintenance yards.
 10. Parking lots.
 11. Beauty and barber shops.
 12. Printing, publishing and engraving.
 13. Dance or music schools.
 14. Plumbing, heating and air conditioning sales, service and repair.
 15. Lumber yard.
 16. Public uses.
 17. Dwelling units above any permitted use.
 18. Radio or television broadcasting station.
 19. Motels and hotels 1 space per unit
 20. Funeral home 1 space for every five (5) seats in the mail chapel.
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PERMITTED ACCESSORY USES AND STRUCTURES

1. Uses and structures clearly incidental and necessary to the permitted principal uses or structures of this district.
2. Accessory uses and structures applicable to any existing residence providing compliance with all residential requirements.
3. Storage warehouses used in conjunction with the permitted principal uses or structures of this district.
4. Temporary structures and equipment used in conjunction with construction work, provided that such structures and equipment are removed promptly upon completion of the construction work.
5. Structures attached to the principal structure shall be considered part of the principal structure and shall conform to the same front, side, and rear set-back yard regulations if required.

SPECIAL EXCEPTION USES AND STRUCTURES

Subject to Section 805 and other requirements contained herein, the Board of Adjustment may permit the following:

1. Anything permitted in an R-1 district provided that all requirements are in compliance for an R-1 district.
2. With the exception of Churches, anything permitted in an R-2 district provided that all requirements are in compliance for an R-2 district.
3. Multi-family dwellings/apartments on the ground level floor of a commercial building provided that the building has remained vacant for a two-year period and that there is off street parking available of two (2) spaces per unit.
4. Wholesale business.
5. Bus terminals.
6. Entertainment facilities.
7. Height limitations greater than 35 feet. Any structure higher than 35 feet shall require their own fire protection system in accordance with State Fire Marshall Office recommendations.
8. Drive-through establishment.

**MINIMUM LOT
AREA AND WIDTH**

**MINIMUM DISTANCE
REQUIREMENTS**

**MAXIMUM
HEIGHT**

Commercial
Activities . . .
None

Front . . . None
Rear . . . None
Side. . . None

35 feet
EXCEPT: as
permitted by
special exception.

SPECIAL REQUIREMENTS

1. The C-1 District shall observe the fencing and shrubbery requirements as prescribed in Article 4 of this Ordinance.
2. Overhead or area light fixtures shall be located and focused so as to avoid casting direct light upon any adjacent residential property, or interfere with a traveled portion of a public street.
3. Construction and alterations within the Fire Zone must comply with the code regulations.
4. For requirements pertaining to awnings, encroaching steps and other openings and enclosures see Municipal Code Section 136.14, 136.15 and 136.16.
5. Galvanized metal is not a permissible building material.

**SECTION 206: C-2 COMMERCIAL – HIGHWAY COMMERCIAL DISTRICT
STATEMENT OF INTENT**

The C-1 Highway Commercial District is intended to accommodate uses which ordinarily serve the traveling public and commercial uses which generally require substantial land area and access to a major traffic artery. No structures shall be constructed or placed within the 25-foot set-back on a street side. This does not include usual steps.

**PERMITTED PRINCIPAL USES
AND STRUCTURES**

**MINIMUM OFF-STREET
PARKING (see Article 3)**

See Section 702 for Permit Requirements.

1. Automotive sales	1 space/600 sq ft floor area
2. Farm implement display sales, service and repair.	1 space/600 sq ft floor area
3. Plant nursery and garden supplies and sales.	1 space/600 sq ft floor area
4. Bowling alley	5 spaces/lane or alley
5. Transport terminal	6 spaces plus one off-street loading space for each bus serving the terminal
6. Golf driving range miniature golf.	3 spaces/tee plus 1 space/employee
7. Monument market display and sales.	1 space/employee plus 1 space/vehicle used by the facility.
8. Research and testing facilities.	1 space/300 sq ft floor area
9. Animal hospitals or kennels.	1 space/300 sq ft floor area
10. Social activity uses developed for developed for active usage	5 spaces for each acre
11. Welding, machine and repair shops.	1 space/600 sq ft floor area
12. Lumberyard or building material sales	1 space/600 sq ft floor area
13. Restaurant, night club, café or tavern, liquor store.	1 space/100 sq ft floor area
14. Dance Hall and skating rink	1 space/100 sq ft floor area
15. Tourist campground	1 space/campsite
16. Dwelling unit above any permitted use	1 space/unit
17. Essential services, public structures Utilities, distribution systems or substations	1 space/employee plus 1 space/vehicle used by facility
18. Plumbing, heating and air conditions sales, service, and repair	1 space/employee plus 1 space/vehicle used by facility

19. Radio or television broadcasting station	5 spaces plus 1 space/employee
20. Professional activities	1 space/300 sq ft floor area
21. Public uses	5 spaces for each acre developed for active usage
22. Any other use permitted in the C-1 district provided that all requirements are in compliance with a C-2 district.	1 space/600 sq ft of sales, service or office service or office floor area
23. Storage units	

PERMITTED ACCESSORY USES AND STRUCTURES

1. Uses and structures clearly incidental and necessary to the permitted principal uses or structures of this district.
2. Accessory uses and structures applicable to any existing residence in such district providing compliance with all residential requirements.
3. Storage warehouses used in conjunction with the permitted principal uses or structures of this district.
4. Temporary structures and equipment used in conjunction with construction work, provided that such structures and equipment are removed promptly upon complete of the construction work.
5. Structures attached to the principal structure shall be considered part of the principal structure and shall conform to the same front, side and rear set-back yard regulations.
6. Accessory structures shall have the same set-back requirements as the principal structure.

SPECIAL EXCEPTION USES AND STRUCTURES

Subject to Section 805 and other requirements contained herein, the Board of Adjustment may permit the following:

1. Anything permitted in an R-1 district provided that all requirements are in compliance with an R-1 district.
2. With the exception of Churches, anything permitted in an R-2 district provided that all requirements are in compliance with an R-2 district.
3. Multi-family dwellings/apartments.
4. Wholesale business.
5. Height limitations greater than 35 feet. Any structure higher than 35 feet shall required their own fire protection system in accordance with State Fire Marshall Office recommendations.
6. Drive-through establishments.

**MINIMUM LOT AREA
AND WIDTH**

**MINIMUM DISTANCE
REQUIREMENTS**

MAXIMUM HEIGHT

Commercial
Activity. None

Front . . . 25 feet
Rear15 feet
Side 10 feet
Street side. .25 feet

35 feet
EXCEPT: as permitted
by special exception

Where adjacent to any residence
or R District, the adjoining yard
shall not be less than 15 feet.

SPECIAL REQUIREMENTS

1. The C-2 District shall observe the fencing and shrubbery requirements as prescribed in Article 4 of this Ordinance.
2. No merchandise display or exterior storage shall be provided in any required front yard or in the first ten (10) feet inside the property line of any required side or rear yard, where adjacent to any residence or R District.
3. Overhead or area light fixtures shall be located and focused so as to avoid casting direct light upon any adjacent residential property, or interfere with a traveled portion of a public street.
4. All unsurfaced yard areas shall be covered with a suitable, well maintained, perennial ground cover and landscape plantings.
5. Any structure not placed on a permanent foundation shall be anchored in a permanent location and comply with set-back requirements.
6. Galvanized metal is not a permissible building material.

SECTION 207. I-1 LIGHT INDUSTRIAL DISTRICT

STATEMENT OF INTENT

The I-1 Light Industrial District is designed to accommodate various industrial and warehousing uses, and to encourage the development of an area that is esthetically pleasing with minimal adverse effects on adjoining properties.

**PERMITTED PRINCIPAL
USES AND STRUCTURES**

**MINIMUM OFF-STREET
PARKING (see Article 3)**

See Section 702 for Permit Requirements.

- | | |
|--|--|
| 1. Manufacturing uses that create no offensive noise, dust, odor, vibration or electrical interference. | 1 space/2 employees, but in no case less than 1 space/2,000 sq ft of gross floor area
Used by the industry for permitted uses 1-10. |
| 2. Wholesaling and warehousing use but not including the bulk storage of anhydrous ammonia or petroleum products under pressure. | |
| 3. Processing including the compounding, processing, packaging or treatment of cosmetics, pharmaceuticals and food products EXCEPT fish and meat products, cereals, sauerkraut, vinegar, yeast, stock fee, flour and the rendering or refining of fats and oils. | |
| 4. Contractors' shop and storage yard. | |
| 5. Research and testing facilities. | |
| 6. Essential services, public structures, utilities, distribution systems or substations, including storage structures and yards. | |
| 7. Truck and freight terminal. | |
| 8. Building fabrication, including mobile homes, display and sales. | |
| 9. Welding, machine and repair shops. | |
| 10. Animal hospitals and kennels. | |
| 11. Plumbing, heating, air conditioning and sheet metal shops. | 1 space/200 sq ft floor area |
| 12. Automobile paint and body shops | 1 space/200 sq ft floor area |
| 13. Lumber yards and building materials, sales and storage | 5 spaces plus one space each employee |
| 14. Railroads | None |
| 15. Any other use specifically permitted in the commercial districts provided that all requirements are in compliance with an I-1 district. | |

All uses shall provide at least 1 loading space/10,000 sq. ft. of floor area or fraction thereof.

PERMITTED ACCESSORY USES AND STRUCTURES

1. Uses and structures clearly incidental and necessary to the permitted principal uses or structures of this district.
2. Accessory uses and structures applicable to any existing residence providing compliance with all residential requirements.
3. Temporary structures used in conjunction with construction work provided that such structures are removed promptly upon completion of the construction work.

SPECIAL EXCEPTION USES AND STRUCTURES

Subject to Section 805 and other requirements contained herein, the Board of Adjustment may permit the following;

1. Sale or storage of fuels and chemicals.
2. Storage of junk or non-operative vehicles, under the provisions of Section 805.2 of this ordinance. The storage or use of hazardous flammables, either solid, liquid or gas shall be in accordance with approved standards.
3. Outside storage is permitted only if it is enclosed by an eight (8) foot minimum height architectural or landscaped screen that prevents visible access to such storage. The height of any equipment or materials so stored shall not exceed the height of the screen. Such storage shall not exceed twenty-five percent (25%) of the lot area.
4. Height limitations greater than 35 feet. Any structure higher than 35 feet shall require their own fire protection system in accordance with State Fire Marshall Office recommendations.
5. Anything permitted in an R-1 district provided that all requirements are in compliance with an R-1 district.
6. Anything permitted in an R-2 district provided that all requirements are in compliance with an R-2 district.

MINIMUM LOT AREA AND WIDTH	MINIMUM DISTANCE REQUIREMENTS	MAXIMUM HEIGHT
Area. 10,000 Sq ft Width. 100 feet	Front25 feet Rear. 5 feet Side. 10 feet Streetside. 25 feet	35 feet EXCEPT: as permitted by special exception

If the side or rear yard fronts on a street, the depth of the yard shall not be less than the depth of the front yard. In addition, where a railroad right-of-way lies immediately adjacent to the rear of a lot, the rear yard requirement need not apply.
 Where adjacent to any resident or R district, the adjoining yard shall not be less than 25 feet.

SPECIAL REQUIREMENTS

1. The I-1 District shall observe the fencing and shrubbery requirements as prescribed in Article 4 of this Ordinance.

2. No merchandise display or exterior storage shall be provided in any required front yard or in the first twenty-five (25) feet inside the property line of any required side or rear yard, where adjacent to any residence or R District.
3. Overhead or area light fixtures shall be located and focused so as to avoid casting direct light upon any adjacent residential property, or interfere with a traveled portion of a public street.
4. All unsurfaced yard areas shall be covered with a suitable, well maintained, perennial ground cover and landscape plantings.
5. All roadways, parking and loading areas are to be surfaced to provide dust-free surfaces.
6. Exterior storage other than the display of products for retail sale shall be enclosed by a fence or suitable landscape planting, the design or type of which shall be approved by the Planning and Zoning Commission, and which will screen the stored materials from the view of public streets or residential areas.
7. No raw material, finished product or waste product which may cause dust or odor which would adversely affect adjoining properties shall be stored outside a building not shall any junk, debris, or waste material be permitted to accumulate on the site.
8. The storage or use of hazardous flammables, either solid, liquid or gas shall be in accordance with approved standards.
9. Any structure not placed on a permanent foundation shall be anchored in a permanent location and comply with set-back requirements.

SECTION 208 I-2 HEAVY INDUSTRIAL DISTRICT

STATEMENT OF INTENT

The I-2 Heavy Industrial District is intended to accommodate various types of industrial, warehousing and storage uses including heavy manufacturing and related uses.

**PERMITTED PRINCIPAL
USES AND STRUCTURES**

**MINIMUM OFF-STREET
PARKING (see Article 3)**

See Section 702 for Permit Requirements.

1. Manufacturing uses
2. Wholesaling and warehousing uses
3. Processing, including integrated rendering plants, slaughter houses, food processing and wastewater treatment.
4. Contractor's shops and storage yard.
5. Essential services, public structures, utilities, Distribution systems or substations, including Storage structures and yards.
6. Grain elevators, feed mills and grain drying plants.
7. Building fabrication, including mobile homes.
8. Batch plants.
9. Petroleum products under pressure.
10. Bulk petroleum plants.
11. Incineration plants.
12. Railroad repair shops.
13. Any other use specifically permitted in C-1, C-2 and I-1 District.
Provided all requirements are in compliance with an I-2 District.

1 space/2 employees, but in no case less than 1 space, 2,000 sq ft of gross floor area used by the industry for permitted uses 1-13.

All uses shall provide at least 1 loading space/10,000 sq ft of floor area or fraction thereof.

PERMITTED ACCESSORY USES AND STRUCTURES

1. Uses and structures clearly incidental and necessary to the permitted principal uses or structures of this district. Accessory uses and structures applicable to any existing residence providing compliance with residential set back requirements.
 2. Temporary structures used in conjunction with construction work provided that such structures are removed promptly upon completion of the construction work.
-

SPECIAL EXCEPTION USES AND STRUCTURES

Subject to Section 805 and other requirements contained herein, the Board of Adjustment may permit the following:

1. "Stockyards, loading pens, livestock buying stations and rendering plants. Provided, however, that it is not closer than one-fourth (1/4) miles to any dwelling unit other than that of the owner or operator, or a park, school, church, or place of public assembly; that it is located so that winds will not cause dust or odors to create a nuisance for developed properties in the vicinity; that provision for drainage, sanitation and waste disposal area approved by the Department of Natural Resources; and that parking be available at 1 space for each 2 employees, but in no case less than 1 space for each 2,000 square feet of gross floor area."
2. Auto wrecking and junkyards provided that the front yard be maintained as an open space free of weeds and debris; that no open burning of waste or discarded material shall be conducted on the site; and that 2 parking spaces plus 1 space for each employee and 1 space for each vehicle used by the operation be provided.
3. The bulk storage of anhydrous ammonia provided that such use shall not be located closer than 1,000 feet from any existing school, park, place of public assembly or dwelling other than that of the owner or operator. That one (1) off-street parking space be provided for each vehicle or trailer used by the industry.
4. Height limitations greater than 35 feet. Any structure higher than 35 feet shall require their own fire protection system in accordance with State Fire Marshall Office recommendations.

MINIMUM LOT AREA AND WIDTH	MINIMUM DISTANCE REQUIREMENTS	MAXIMUM HEIGHT
None	Front25 feet Rear25 feet Side25 feet Streetside. . . .25 feet	35 feet EXCEPT: as permitted by special exception.
	If the rear yard fronts on a street, the depth of the yard shall not be less than the depth of the front yard. In addition, where a railroad right-of-way lies immediately adjacent to the rear of a lot, the rear yard requirement need not apply.	
	Where adjacent to any residence or R district the adjoining yard shall not be less than 50 feet.	

SPECIAL REQUIREMENTS

1. The C-1 District shall observe the fencing and shrubbery requirements as prescribed in Article 4 of this Ordinance.
2. Exterior storage other than the display of products for retail sale shall be enclosed by a fence or suitable landscape planting, the design or type of which shall be approved by the Planning and Zoning Commission, and which will screen the stored materials from the view of public streets or residential areas.

3. No raw material, finished product or waste product which may cause dust or odor which would adversely affect adjoining properties shall be stored outside a building nor shall any junk, debris or waste material be permitted to accumulate on the site.
4. No merchandise display or exterior storage shall be provided in any required front yard or in the first twenty-five (25) feet inside the property line of any required side or rear yard, where adjacent to any residence or R district.
5. Any structure not placed on a permanent foundation shall be anchored in a permanent location and comply with set-back requirements.

ARTICLE 3

OFF-STREET PARKING AND LOADING SPACES

SECTION 301 REQUIRED OFF-STREET PARKING

301.1 All required off-street parking spaces shall be maintained in satisfactory condition by the property owner for each building or use in any District.

SECTION 302 LOCATING PARKING SPACE IN FRONT YARD

302.1 All-street parking space may be located within the required front yard in any C-2 or I-1 District, provided such space is 50 feet or more away from any R District. No off-street parking is permitted in the front yard of any R District, except upon a surfaced parking space. See Code 135.10.

A property owner wishing to lower the level of the street curb shall apply to the City Council for such. See Code 135.10.

SECTION 303 COLLECTIVE PARKING FACILITIES

303.1 In the C-1 Central Business District, where conditions may preclude the provision of off-street parking spaces on the same lot as the building or use in accordance with the district requirements, provision may be made for the required off-street parking within three hundred (300) foot of the lot.

SECTION 304 OFF-STREET LOADING

304.1 Except in the C-1 Central Business District, adequate space for the receipt or distribution of materials or merchandise by vehicles shall be provided and maintained on the lot in order to avoid undue interference with public use of the street or alley.

ARTICLE 4

FENCING AND SHRUBBERY AND SIGN REQUIREMENTS

SECTION 401 FENCING AND SHRUBBERY REQUIREMENTS

401.1 A location permit shall be obtained from the Administrative Officer before placing fences or continuous planted shrubbery or hedges.

401.2 Fences are permitted, however:

- a. No fence shall be erected within two (2) feet of any lot line.
- b. Fences shall not exceed a height of three (3) feet on any street side.
- c. Fences shall not exceed a height of eight (8) feet in the side or rear yard area.
- d. With mutual consent of abutting property owners, fences can be constructed on lot lines.

401.3 Shrubbery is permitted, however:

- a. No shrubbery shall be permitted within two (2) feet of the front, side, or rear lot lines.
- b. Continuous planted shrubbery or hedges shall be maintained at the same maximum height as fences.

401.4 On any corner lot, or lot abutting on an alley, no fence or other structure shall be erected and no foliage or shrubbery shall be planted or maintained to a height of more than three (3) feet above the ground within the triangular area formed by measuring fifteen (15) feet each direction from the corner along the lot line and connecting those two points. No foliage or shrubbery shall be planted or maintained, and no fence shall be constructed in such a manner which will materially obstruct the view of the drivers of vehicles approaching a street intersection or an alley approach to a street.

401.5 It shall be unlawful for a person to use barbed wire or single strand wire within the city limits without the consent of the Council unless such land consists of ten (10) acres or more and is used an agricultural land.

401.6 Fencing material shall be aesthetically pleasing and suitable for the district use.

SECTION 402. PERMITTED SIGNS

1. A location permit shall be obtained from the Administrative Officer.
2. In all districts: Temporary signs (not more than 12 months) advertising the sale or lease of the premises, not to exceed thirty-two (32) square feet in area.
3. In all districts: No use shall have more than one (1) of each type of sign permitted for that use, although each sign may be a double faced or back-to-back sign.
4. In all districts: All signs shall be maintained in a neat and presentable condition and in the event their use shall cease, they shall promptly be removed.
5. In all districts: Signs which are located in such a manner as not to obscure or otherwise interfere with the effectiveness of an official traffic sign, signal or device or which does not

obstruct, or interfere, with the driver's view of approaching, merging, or intersecting traffic as determined by the City Council.

6. In all districts: Properties abutting state highways need to obtain approval from the DOT.
7. In Ag, R-1, R-2 and R-2 Districts: Illumination of signs and bulletin boards shall be indirect, non-intermittent lighting.
8. In Ag, R-1, R-2 and R-3 Districts: Illumination of signs shall be indirect, non-intermittent lighting.
9. In Ag, R-1, R-2 and R-3 Districts: Permitted signs shall be located at least the height of the sign inside the lot line.
10. In Ag, R-2 and R-3 Districts: Church or public bulletin boards not to exceed thirty-two (32) square feet in area.
11. In an Ag District: Signs with a maximum height of thirty-five (35) feet.
12. In an Ag District: Agriculture and agricultural service business signs identifying the business or service not to exceed thirty-two (32) square feet in area.
13. In C-1, C-2, I-1 and I-2 Districts: Advertising signs, trade, business or industry identification signs for the business located on the site provided that the following requirements are met:
 - a. One (1) free standing sign per business not to exceed 25 feet in overall height and 100 square feet per face, and at a height not less than ten (10) feet above the sidewalk or ground and if permitted by special exception.
 - b. Signs attached to a structure shall not project above the height of the structure or more than six (6) feet from the wall of the structure and not to exceed 50 square feet.
 - c. No surface-mounted sign shall exceed 150 square feet in area or cover more than ten (10) percent of the structure face on which it is located.
 - d. Portable signs:
 1. Shall not exceed 30 days in duration in any six (6) month period of time.
 2. Shall not exceed 32 square feet per face.
 3. Shall not be located on the sidewalk if larger than twelve (12) square feet in total area or three (3) feet in width.
14. In C-1, C-2, I-1 and I-2 Districts: Signs which do not resemble any traffic sign, signal or device. Revolving beacons are prohibited.
15. In C-1, C-2, I-1 and I-2 Districts: No projecting wall sign shall be attached to a wall of a structure at a height less than ten (10) feet above the sidewalk or ground.
16. In C-2, I-1 and I-2 Districts: Billboards, if approved by special exception.

ARTICLE 5

NONCONFORMING USES AND STRUCTURES

SECTION 501 NONCONFORMING USES AND STRUCTURES

501.1 NONCONFORMITIES. Within the districts established by this chapter or amendments that may later be adopted, there exist lots, structures and uses of land and structures which were lawful before this chapter was passed or amended, but which would be prohibited, regulated or restricted under the terms of this chapter or future amendment. Any changes made to a use or structure may comply with Section 702.

501.2 NONCONFORMITIES MAY CONTINUE. Subject to Article 2, it is the intent of this chapter to permit these nonconformities to continue until they are removed, but not to encourage their survival so that ultimately uniformity will prevail. Such uses are declared by this chapter to be incompatible with permitted uses in the districts involved. It is further the intent of this chapter that nonconformities shall not be enlarged upon, expanded or extended, nor be used as grounds for adding other structures or uses prohibited elsewhere in the same district.

501.3 NONCONFORMITIES MAY NOT BE ENLARGED. A nonconforming use of land, or a nonconforming use of a structure and land shall not be extended or enlarged after the date of adoption by attachment on a structure or premises of additional signs intended to be seen from off the premises, or by the addition of other uses of a nature which would be prohibited generally in the district involved.

501.4 NONCONFORMITIES AT ADOPTION. To avoid undue hardship, nothing in this chapter shall be deemed to require a change in the plans, construction or designated use of any structure on which actual construction was lawfully begun prior to the effective date of adoption or amendment of this chapter and upon which actual construction has been diligently carried on. Actual construction is defined to include the placing of construction materials in permanent position and fastened in a permanent manner, except that where demolition or removal of an existing structure has been substantially begun preparatory to reconstruction, such demolition or removal shall be deemed to be actual construction, provided that work shall be diligently carried on until completion of the structure involved.

501.5 NONCONFORMING LOTS OF RECORD. In any district in which single-family dwellings are permitted, notwithstanding limitations imposed by other provisions of this chapter, a single-family dwelling and customary accessory structures may be erected on any single lot of record at the effective date of adoption or amendment of this chapter. Such lot must be in separate ownership and not of continuous frontage with other lots in the same ownership. This provision shall apply even though such lot fails to meet the requirements for area or width or both that are generally applicable in the district, provided that yard dimensions and other requirements not involving area or width of the lot, or both, shall conform to the regulations for the district in which such lot is located. Variance of yard requirements shall be obtained only through action of the Board of Adjustment.

If two or more lots or combinations of lots and portions of lots with continuous frontage in single ownership are of record at the time of passage or amendment of this chapter, and if all or part of the lots do not meet the requirements for lot width and area as established by this ordinance, the land involved shall be considered to be an undivided parcel for the purposes of this chapter, and no portion of said parcel shall be used or sold which does not meet lot width and area requirements established by this chapter, nor shall any division of the parcel be made which leaves remaining any lot width or area below the requirements stated in this chapter.

501.6 NONCONFORMING USES OF LAND. Where, at the effective date of adoption or amendment of this chapter, lawful use of land exists that is made no longer permissible under the terms of this chapter as enacted or amended, such use may be continued so long as it remains otherwise lawful, subject to the following provisions:

1. No such nonconforming use shall be enlarged nor increased nor extended to occupy a greater area of land than was occupied at the effective date of adoption or amendment of this chapter.
2. No such nonconforming use shall be moved in whole or in part to any other portion of the lot or parcel occupied by such use at the effective date of adoption or amendment of this chapter.
3. If any such nonconforming use of land ceases for any reason for a period of more than six (6) months, as determined by the Administrative Officer, any subsequent use of such land shall conform to the regulations specified by this chapter for the district in which such land is located.

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

1. No such structure may be enlarged or altered in a way which increases its nonconformity.
2. Should such structure be destroyed by any means to an extent of more than fifty (50%) percent of its replacement cost at the time of destruction, it shall not be reconstructed except in conformity with the provisions of the chapter.

501.8 NONCONFORMING USES OF STRUCTURES. If a lawful use of a structure or of structure and land in combination exists at the effective date of adoption or amendment of this chapter that would not be allowed in the district under the terms of this chapter, the use may be continued so long as it remains otherwise lawful, subject to the following provisions:

1. No existing structure devoted to a use not permitted by this chapter in the district in which it is located shall be enlarged, extended, constructed, reconstructed, moved or structurally altered except in changing the use of the structure to a use permitted in the district in which it is located.
2. Any nonconforming use may be extended throughout any parts of a structure which were manifestly arranged or designed for such use at the time of adoption or amendment of this chapter, but no such use shall be extended to occupy any land outside such structure.
3. If no structural alterations are made, any nonconforming use of a structure or structure and land in combination may be changed to another nonconforming use provided that the Board of Adjustment, either by general rule or by making findings in the specific case, shall find that the proposed use is equally appropriate or more appropriate to the district than the existing nonconforming

use. In permitting such change, the board may require appropriate conditions and safeguards in accord with the provisions of this chapter.

4. Any structure or structure and land in combination in or on which a nonconforming use is superseded by a permitted use shall thereafter conform to the regulations for the district in which such structure is located, and the nonconforming use may not thereafter be resumed.
5. When a nonconforming use of a structure or structure and land in combination is discontinued for six (6) consecutive months or for eighteen (18) months during any three-year period, the structure thereafter shall not be used except in conformance with the regulations of the district in which it is located.
6. Where nonconforming use status applies to a structure and land in combination, removal or destruction of the structure shall eliminate the nonconforming status of the land.

501.9 REPAIRS AND MAINTENANCE. Nothing in this section shall prohibit the maintenance and repair of nonconforming structures to keep such a structure in sound and safe condition, provided that no structural enlargement, extension, alteration or change shall be made to increase the degree of nonconformity.

Nothing in this chapter shall be deemed to prevent the strengthening of or restoring to a safe condition of any structure or part declared to be unsafe by any official charged with protecting the public safety, upon order of such official.

501.10 RESTRICTIONS ON DIVISION OF PARCELS. No parcel, whether or not in compliance with this Code shall be divided in any manner if the result would be a remaining parcel or parcels that would not be in compliance with this Code as to any of its requirements.

SECTION 502. USES UNDER SPECIAL EXCEPTION PROVISIONS, NOT NONCONFORMING USES.

Any uses for which a special exception is permitted as provided in this chapter shall not be deemed a nonconforming use, but shall without further action be deemed a conforming use in such district.

**ARTICLE 6
(Reserved)**

ARTICLE 7

ADMINISTRATION AND ENFORCEMENT

SECTION 701 ADMINISTRATION

701.1 For the purpose of this Ordinance, the Administrative Officer, appointed by the mayor, approved by the City Council, shall administer and enforce the provisions of this Ordinance. Appeal from the decision of the Administrative Officer may be made to the Board of Adjustment.

701.2 Duties of the Administrative Officer will be as follows:

1. Become familiar with the City's Zoning Ordinance.
2. Administer zoning ordinance.
3. Enforce zoning ordinance, institute penalties when necessary.
4. Investigate complaints of violation of code.
5. Attend meetings of the Zoning Board of Adjustment.
6. Issue construction permits after investigation of compliance to the ordinance. (No permits to be written on Saturday, Sunday or legal holiday.)
7. Inspect structures under construction for continued compliance of ordinance.
8. Assist persons filing appeal applications with the Board of Adjustment.
9. Promptly submit copies of application, plan, permit and fee, payable to the City of Postville, to the City Clerk's office for filing.

SECTION 702 COMPLIANCE PERMITS

702.1 A CONSTRUCTION COMPLIANCE PERMIT shall be obtained from the Administrative Officer before:

- a. Any construction begins.
- b. Any structure is reconstructed or structurally altered to increase the exterior dimensions, height or floor area, or changes to interior load bearing members.
- c. Any structure is remodeled to increase the number of dwelling units.
- d. Any structure accommodates a change in use of the structure and/or land.
- e. Any structure is moved.
- f. Any structure is demolished.
- g. Any structure is constructed or altered in the fire zone. Refer to Municipal Code Chapter 165, Fire Zone.

Refer to the Uniform Building Code for construction standards.

A Construction Compliance Permit shall not be required for:

- a. Maintenance items such as a new roof, chimney, siding, doors, and other repair items which do not enlarge the structure.
- b. Construction or maintenance of driveways and private sidewalks. A property owner wishing to lower the level of the street curb shall apply to the City Council for such.

702.2 A LOCATION PERMIT shall be required for location of a mobile home and location of fences, signs and continuous planted shrubbery or hedges and prebuilt structures larger than 6 feet by 6 feet. A location permit shall be issued upon payment of a fee to the City of Postville in accordance with the fee schedule adopted by the City Council.

702.3 Blank application forms shall be provided by the Administrative Officer for the use of those applying for permits as provided in this Ordinance. Any permits issued by the Administrative Officer shall be on standard forms for such purpose and shall be furnished by the City.

702.4 Every application for a construction compliance permit shall be in writing and delivered to the Administrative Officer, and shall be accompanied by a detailed set of plans and specifications showing the size of the proposed structure or use. Using property lot lines, show its location on the lot, the material of which it is to be constructed, and details and type of construction to be used.

702.5 A permit in writing shall be issued or denied by the Administrative Officer within fifteen (15) working days. A permit shall be issued when the application and investigation thereof indicate compliance by the applicant with all the provisions of this Ordinance and all other controlling ordinances of the City of Postville, IA, and the laws of the State of Iowa. The Administrative Officer may seek legal counsel.

702.6 Upon issuance of a Construction Compliance permit, payment of a fee shall be made to the City of Postville in accordance with the fee schedule adopted by the City Council.

702.7 On the issuance of a permit, one set of said plans and specifications shall be retained by the Administrative Officer, one set as a permanent record on file at the City Clerk's office, and one set returned to the applicant.

702.8 If, after reviewing the application, the Administrative Officer finds that the structure in the proposed location does not comply with the provisions of this chapter, he shall furnish the applicant with a statement refusing to issue such permit and setting forth the reason for such refusal. The refusal by the Administrative Officer to issue a permit may be appealed by the applicant to the Board of Adjustment, the manner provided in Section 803.

702.9 Construction Compliance Permits shall expire one (1) year after the date of issue and no work or operation shall take place under such permit after expiration. However, an applicant may be issued a construction compliance permit or location permit that would expire 18 months after the date of issue by paying a fee equal to 150% of the regular fee for that type of project. If an applicant desires a permit for a period longer than 18 months, then the Zoning Administrator can determine a permit period and a prorated fee based on the rate schedule. (For example, the Zoning Administrator

may issue a permit to expire in two years, and the fee shall be two times the one-year rate for that type of project.).

If a project is not completed within the permit period, an application may be submitted for renewal of the permit for one year. The fee to be assessed for renewal of the permit shall be two times the one-year rate for the original project.

Cleanup of the construction site shall occur according to Municipal Code Section 50.02(15).

702.10 Any changes made to the original plans and specifications require a new permit.

SECTION 703 ENFORCEMENT

703.1 The Administrative Officer shall be charged with the responsibility of enforcing the provisions of this Ordinance. He shall make periodic inspections, review complaints, and perform such other tasks necessary to ensure compliance with the provisions of the Ordinance. In the event there is a violation of this Ordinance, the Administrative Officer shall issue a written order in person or by mail to the violator or the property owner indicating the nature of the violation.

703.2 The Administrative Officer shall make periodic inspection of home occupations on record.

SECTION 704 PENALTIES

704.1 Any person, firm, or corporation who violates, disobeys, omits, neglects, or refuses to comply with or who resists the enforcement of any of the provisions of this Ordinance shall be guilty of a simple misdemeanor filed by the Administrative Officer or law enforcement personnel. Refer to Municipal Code Section 1.10.

704.2 As an alternate or additional remedy to a violation, the Administrative Officer has authority to seek an injunction.

704.3 In the event that there is any violation of this Ordinance which in the opinion of the Administrative Officer or the legally constituted officials of the City of Postville, Iowa, jeopardize the health, safety, or welfare of the people, said officials shall remove, restrict, terminate or otherwise prevent such violation from continuing and shall levy such costs incurred in this action against the violator or property owners.

704.4 As an alternate remedy to violations of these provisions, the Administrative Officer may issue citations for municipal infraction.

SECTION 705 SUBDEVELOPMENT

705.1 Subdivision or development of any area within the zoning districts must refer to the subdivision control section of the municipal code.

ARTICLE 8

BOARD OF ADJUSTMENT

SECTION 801 CREATION AND APPOINTMENT

In compliance with provisions of the Code of Iowa, a Board of Adjustment has been established. The Board shall consist of five (5) members appointed by the mayor, subject to confirmation by the City Council. Terms shall be five (5) years. Any vacancy shall be filled in the same manner for the unexpired portion of the term. In the event of the absence from the City or in the incapacity of a member, the mayor may appoint a substitute who shall serve as a member of the Board, with the same powers and authority as the regular member, until such regular member has returned.

SECTION 802 RULES OF PROCEDURE

The Zoning Board of Adjustment shall have the following rules of procedure:

- 802.1** Compensation. All members shall receive such compensation as established by resolution of the City Council.
- 802.2** The Chairman of the Board may appoint one of the members of the Board to act as Secretary for the meeting. The Board shall have the power to call on any City Department or Officer for assistance in the performance of its duties, and it shall be the duty of such Department or Officer to render such assistance as may reasonably be required. The Board shall also receive and consider recommendations submitted by the Planning and Zoning Commission.
- 802.3** The Board may adopt, from time to time, subject to the approval of the City Council, such rules and regulations as it may deem necessary to carry into effect the provisions of this Ordinance.
- 802.4** The Board shall annually elect its own chairman at the first meeting on or after January 1 of each year. Such chairman, or in his absence, the acting chairman may administer oaths and compel the attendance of witnesses. There shall be a fixed place of meeting and all meetings shall be open to the public. The presence of three (3) members shall be necessary to constitute a quorum. The concurring vote of the three (3) members shall be necessary on all matters upon which it is required to pass under the provisions of this Ordinance.
- 802.5** Motions may be made by anyone on the board except the Chairman. The Chairman will restate the motion before a vote is taken.
- 802.6** Voting will be by roll call and will be recorded by yeas and nays. Every member of the Board, including the Chairman, is required to cast a vote upon each motion. However, a member may abstain if the member believes there is a conflict of interest, particularly if the conflict is of a financial nature. A member who elects to abstain from voting shall state the reason for the abstention at the time of voting. During the discussion of the matter under consideration, a member who plans to abstain from voting should so inform the board, so that other Board members can properly weigh the opinions given by a member who believes a conflict of interest exists.
- 802.7** The Secretary of the Board shall keep minutes of its proceedings, showing the vote of each member upon each question. If a member is absent or fails to vote, the minutes shall indicate such fact. The Board shall keep records of its examination and other official actions, which shall be on file in the Office of the City Clerk as a public record.

802.8 The concurring vote of three (3) members of the Board shall be necessary to reverse any order, requirement, decision, or determination of the administrative officer or to decide in favor of the applicant on any matter upon which it is required to pass under this Ordinance; or to affect any variation of this Ordinance. On all appeals, applications, and other matters brought before the Board, said Board shall inform, in writing, all the parties involved of its decisions, and the reasons therefore.

802.9 The Board of Adjustment shall comply with the open meetings law.

SECTION 803 APPEALS, HEARING AND NOTICE

Any person, group or organization, public or private, affected by the requirements of the ordinance may appeal to the Board of Adjustment. Said appeal shall be made on an official application form to the Administrative Officer specifying the nature of the appeal, and containing a diagram showing the names and addresses of all property owners within a 150-foot radius to the affected property. The fee for filing an application for an appeal shall be one hundred dollars (\$100.00) and shall be paid at the time of filing.

The administrative Officer shall review the application for accuracy and compliance and shall transmit to the Board the original copy of the application and all other papers constituting the record on which the appeal is being based. A copy of the application for a special exception shall also be transmitted to the Planning and Zoning Commission.

Upon receipt of the application and all other papers, the Board shall fix the time, place and purpose of the public hearing and shall proceed with the publication of a notice in a paper of general circulation in the City of Postville and shall notify, by certified mail, all the property owners indicated on the application. No public hearing shall be held within twenty-four (24) hours after publication of notice of public hearing.

Prior to a final determination or decision on the appeal for a special exception, the Board shall receive and consider the recommendation of the Planning and Zoning Commission. The final disposition of any appeal after public hearing shall be in the form of a resolution by the Board either reversing, modifying, or affirming the decision or determination appealed from. A copy of such resolution shall be filed with the Administrative Officer and the Planning and Zoning Commission. The decision on the appeal by the Board shall be made within forth-five (45) days after the filing of the application to the Administrative Officer.

Any person or persons, jointly or severally, aggrieved by any decision of the Board under the provisions of this Ordinance, or any taxpayer or any officer, department, board or bureau of the City of Postville, Iowa may seek relief through the courts as provided by the Code of Iowa within 180 days of the Board of Adjustment ruling.

SECTION 804 STAY OF PROCEDURES

An appeal stays all proceedings in furtherance of the action appealed from, unless the officer from whom the appeal is taken certifies to the Board after the notice of appeal shall have been filed with him that by reason of facts stated in the certificate a stay would in his opinion 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 of Adjustment or by a court of record on application or notice to the officer from whom the appeal is taken and on due cause shown.

SECTION 805 POWERS AND DUTIES

The Board of Adjustment shall have the following powers and duties:

805.1 Administrative Review. To hear and decide appeals where it is alleged there is error in any order, requirement, decision or determination made by the Administrative Officer in the enforcement of this ordinance.

805.2 Special Exception. (See definition and zoning district sections). The Board of Adjustment shall hear and decide only such special exceptions as the Board is specifically authorized to pass on by the terms of this ordinance; to grant special exceptions with such conditions and safeguards as are appropriate under this ordinance providing that the granting of the special exception will not adversely affect the public interest; or to deny special exceptions when not in harmony with the purpose and intent of this ordinance.

Application shall be pursuant to the provisions of this ordinance and the rules and procedure of the Board of Adjustment. (See Section 803). After consideration of the Planning and Zoning Commissions; recommendation, the Board of Adjustment shall grant or deny the special exception request. Upon granting the request, the Board shall authorize the issuance of a construction permit. The Board of Adjustment may prescribe and impose appropriate conditions and safeguards. The Board may prescribe a time limit within which the activity or construction requiring the special exception shall be commenced or completed. Failure to commence or complete such activity or construction within the time limit set shall void the special exception. Violation of such conditions and safeguards, when made a part of the terms under which the special use is granted, shall be deemed a violation of this Ordinance and shall be punishable under Section 704.

805.3 Variances. (See definition). AS USED IN THIS ORDINANCE, A VARIANCE IS AUTHORIZED ONLY FOR HEIGHT, AREA AND SIZE OF STRUCTURE OR SIZE OF YARDS AND OPEN SPACES. Upon application, pursuant to the provisions of this Ordinance and the rules and procedure of the Board of Adjustment, said Board shall grant or refuse a variance from the terms of this Ordinance. Such variance shall not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provision of the Ordinance will in an individual case result in practical difficulty or unnecessary hardship, so that the purpose of the Ordinance shall be observed, public safety and welfare secured, and substantial justice done. The existence of a nonconforming use of neighboring land or structures in the same districts or of permitted or nonconforming uses in other districts shall not constitute a reason for the request variance. Recommendation from the Planning and Zoning Commission is not required.

Variances may be granted in such individual case of unnecessary hardship upon a finding by the Board of Adjustment that any of the following conditions exist:

- a. There are extraordinary and exceptional conditions pertaining to the particular property in question because of its size, shape, or topography that are not applicable to other lands or structures in the same district.
- b. Literal interpretation of the Ordinance would result in unjust financial hardship to a previously established business or industry.
- c. Granting the variance requested will not confer upon the applicant any special privileges that are denied to other residents of the district in which the property is located.
- d. A literal interpretation of the provisions of this Ordinance would deprive the applicant of rights commonly enjoyed by other residents of the district in which the property is located.

- e. The requested variance will be in harmony with the purpose and intent of this Ordinance and will not be injurious to, or alter the essential character of the neighborhood and the general welfare.
- f. Then special circumstances are not the result of the actions of the applicant.
- g. The variance requested is the minimum variance that will make possible the legal use of the land or structure.
- h. The variance is not a request to permit the use of land or structure w which is not permitted in the district involved.

A variance shall be void after six (6) months unless a construction permit is secured.

805.4 Classification. To classify commercial and industrial uses not specifically designated in the Ordinance.

805.5 These powers cannot be further limited nor expanded at the local level. Neither can they be assumed in whole or in part by another body such as the Planning and Zoning Commission or Council. The decision of the Board of Adjustment is final unless it is appealed to the district court.

ARTICLE 9

AMENDMENTS AND CHANGES OF THIS ORDINANCE

SECTION 901 LEGAL PROCEDURE FOR AMENDEMENTS

901.1 The City Council may, on its own motion or on petition, amend any portion of these ordinances. Any proposed amendment shall be submitted to the Planning and Zoning Commission; which Commission shall make a report to the City Council within thirty (30) days after the proposal has been submitted. All other procedures shall be the same as those required of the City Council for amendment of any other ordinance.

901.2 Application for change of zoning district boundaries. Any person may submit to the Council an application requesting a change in the zoning district boundaries as shown on the official zoning map. The application shall be accompanied by a fee of \$250.00 payable to the City of Postville; and in addition to the application fee, the applicant shall pay any actual costs incurred by the City of Postville in this rezoning process that exceed \$250.00.

1. Such application shall be filed with the Administrative Officer and shall contain the following information:
 - a. The legal description and local address of the property, and
 - b. The present zoning classification and the zoning classification requested for the property, and
 - c. The existing use and proposed use of the property, and
 - d. The names and addresses of the owners of all property within two hundred (200) feet of the exterior boundaries of the property for which the change is requested, and
 - e. A statement of the reasons why the applicant feels the present zoning classification is no longer valid, and
 - f. A plat showing the locations, dimensions and use of the applicant's property and all property within two hundred (200) feet of the exterior boundaries thereof, including streets, alleys, railroads, and other physical features.
2. Upon receipt of the application by the administrative officer, a copy shall be forwarded immediately to the Planning and Zoning Commission for study and recommendation. The Commission shall, prior to making a recommendation, determine the following:
 - a. Whether or not the current district classification of the property to be rezoned is valid, and
 - b. Whether there is a need for additional land zoned for the purpose requested, and
 - c. Whether the proposed change is consistent with the current land use plan, considering such factors as:
 - 1) Whether the rezoning would result in a population density or development which would in turn cause a demand for

services and utilities in excess of the capacity planned for the area, and

- 2) Whether the rezoning would result in the generating of traffic in excess of the capacity of existing or planned streets in the vicinity, and
- d. Whether there is an intent on the part of the applicant to develop the property to be rezoned diligently and within a reasonable time.
3. The commission shall report its determinations and recommendations to the council within thirty (30) days from receipt of the application, except that when no report is issued within that time, the application will be deemed approved by the commission. The council shall then follow the procedures required of the city council for amendment of any other ordinance.

SECTION 902. ZONING OF ANNEXED LAND

All land annexed to the City of Postville shall be placed in a zoning district most closely providing for the land use on said annexed land, or if undeveloped land then a zoning district shall be assigned which in the judgment of the City Council best provides for the land use plans of the land owner and also provides for the city's public interest and community planning goals. Such zoning district assignment shall be identified in the annexation resolution or agreement and adopted by ordinance following normal city ordinance procedures. Such ordinance shall be adopted within ninety (90) days of such land(s) being annexed to the city. Any land annexed to the city without a zoning district assigned at the time of annexation shall automatically have been placed in the R-1 Residential Zoning District.

ARTICLE 10

SECTION 1001. INTERPRETATION, PURPOSE, AND CONFLICT

1001.1 In interpreting and applying the provisions of this ordinance, it shall be held to be a minimum requirement for the promotion of the public safety, health, convenience, comfort, prosperity, or general welfare. It is not intended by this ordinance to interfere with or abrogate or annul any easements, covenants, or other agreements between the parties. However, where this ordinance imposes a greater restriction than is imposed by other ordinances or regulations, or easements, covenants, or agreements, the provisions of this ordinance shall govern.

1001.2 This ordinance specifically repeals any previously enacted ordinances that are inconsistent with these requirements.

SECTION 1002 SEPARABILITY

1002.1 Should any portion of this ordinance be declared by the Court to be invalid, such declaration shall not affect the validity of any other portion of these ordinances.

SECTION 1003 EFFECTIVE DATE

1003.1 This Ordinance shall be in full force and effect from and after its passage and publication as provided by law.

ARTICLE 11

DEFINITIONS

SECTION 1101 DEFINITIONS

For the purpose of this Ordinance, the following words and phrases shall have the following means:

1. **ACCESSORY USE OF STRUCTURE:** A use or structure, portable or otherwise, subordinate to the principal use of a structure or land on the same lot or parcel of ground and serving a purpose customarily incidental to the use of the principal structure or use of land.
2. **ADMINISTRATIVE OFFICER:** For the purpose of this Ordinance, the Administrative Officer, appointed by the mayor, approved by the City Council, shall administer and enforce the provisions of this Ordinance. Appeal from the decision of the Administrative Officer may be made to the Board of Adjustment as provided herein. This person may also be referred to as the Zoning Administrator.
3. **AGRICULTURAL USE:** Any agricultural use, including farming, dairying, agriculture, horticulture, floriculture, viticulture and animal and poultry husbandry.
4. **ALLEY:** A public right-of-way which is a secondary means of access to the property.
5. **ALTERATIONS, STRUCTURAL:** Any changes in loading bearing members of a structure, such as walls, columns, beams, girders, trusses and rafters.
6. **APARTMENT:** A room or suite of rooms, with toilet and culinary accommodations, used or designed for use as a residence by a family, located in a structure containing two (2) or more such rooms or suites or located in a structure devoted primarily to non-residential use.
7. **AWNING:** A roof-like structure that serves as a shelter, as over a window. See also Section 136.14 of the Municipal Code.
8. **BASEMENT:** The portion of a structure that is partially or wholly below grade.
9. **BED & BREAKFAST HOME:** A private residence which provides lodging and meals for guests, in which the host and/or hostess resides, and which, while it may advertise and accept reservations, does not present itself to the public as a restaurant, hotel, or motel, does not require reservations, and serves only to overnight guests.
10. **BOARDING ROOMING HOUSE:** A structure other than a hotel where, for compensation and by arrangement, lodging and meals are provided for residents only.
11. **BLOCK FRONTAGE:** All of the property on one side of a street between two intersecting streets.
12. **BOARD:** Board of Adjustment, of Postville, Iowa
13. **BUSINESS/COMMERCIAL:** The word business or commercial when used herein refers to the engaging in the purchases, sale or exchange of goods or services, or the operation for profit of offices or recreational or amusement enterprises.
14. **CARPORIT:** A roofed structure providing space for the parking of motor vehicles and enclosed on not more than two sides. For the purpose of this ordinance, a carport

attached to a principal building shall be considered as part of the principal building and subject to all yard requirements.

15. CITY: City of Postville, Iowa.
16. CLINIC (DENTAL OR MEDICAL): A place for the care, diagnosis and treatment of sick, ailing, infirm or injured persons and those who are in need of medical or surgical attention, but who are not provided with board or room or kept overnight on the premises.
17. CLINIC (VETERINARY): A place for the care, diagnosis and treatment of sick, ailing or injured animals and those in need of medical or surgical attention, but not for extended boarding of large animals.
18. CONDOMINIUMS: A residential or commercial structure consisting of multiple units, each under individual ownership of the space contained within each unit and co-ownership of the remaining real property by the individual owners as tenants in common, subject to certain joint agreements and regulations.
19. CONSTRUCTION SITE: Location where construction is taking place on a continuous basis.
20. CONVALESCENT HOME: A structure or premises in which care is provided for two (2) or more invalid, infirm, aged, convalescent, or physically disabled or injured persons. Nursing homes are convalescent homes.
21. COUNCIL: The City Council of the City of Postville, Iowa.
22. CUL-DE-SAC: A dead end street with circular turnaround.
23. DAY CARE CENTER: The facilities of any dwelling, institution or organization which are used in the temporary care of six (6) children or more at any one time.
24. DECK: A raised structure attached or unattached to a house, made out of wood or synthetic material and covered or uncovered.
25. DISTRICT: A section or sections of the area of the City of Postville for which regulations governing the use of structures and premises or the height and area of structures are uniform.
26. DORMITORY: A structure providing sleeping quarters for a number of people.
27. DRIVE-THROUGH ESTABLISHMENT: Any part of a business designated to be used by persons in vehicles to conduct transactions from their vehicles.
28. DWELLING: A structure used in whole or in part for human habitation.
29. DWELLING UNIT: One or more rooms arranged, designed, and used as living quarters for one family only. Individual bathrooms and complete kitchen facilities, permanently installed, shall always be included. A manufactured home or a modular home are acceptable dwelling units.
30. DWELLING, SINGLE-FAMILY: A structure containing one dwelling unit.
31. DWELLING, TWO-FAMILY: A structure containing two dwelling units. Example is a duplex.
32. DWELLING, MULTI-FAMILY: A structure containing three or more dwelling units. Examples are condominiums and apartment housing.

33. **ESSENTIAL SERVICES:** The erection, construction, alteration, or maintenance, by public utilities or municipal or other governmental agencies, or underground or overhead gas, electrical, steam or water transmission or distribution systems, collection, communication, supply or disposal systems, including poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm boxes, police call boxes, traffic signals, hydrants, and other similar equipment and accessories in connection therewith; reasonably necessary for the furnishing of adequate service by such public utilities or municipal or other governmental agencies or for the public health or safety or general welfare, but not including structures.
34. **FAMILY:** An individual, or two or more persons related to one another by blood, marriage, or legal adoption, including foster children, and not more than two roomers; or in the alternative, not more than three unrelated persons.
35. **FARM:** A tract of land which is used for the growing of vegetables, fruits, and grains, or for the raising of domestic poultry and animals. The term "farming" includes the operating of such area for one or more of the above uses and for such necessary accessory uses as treating or storing the produce, provided, however, that any such accessory uses shall be secondary to the normal farming activities and that such accessory uses do not include the commercial feeding of animals or poultry in confined lots or structures.
36. **FEEDLOT/COMMERCIAL:** The feeding or raising of livestock, poultry, or other animals in confined feedlots, dry lots, pens, cages, or structures as a commercial enterprise not in conjunction with a farming operation.
37. **FLOOR AREA:** The total square feet of any one floor area within the outside line of walls of a structure. Floor area shall not include porches, garages or space in a basement which is used for storage or incidental use.
38. **FRONTAGE:** 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.
39. **GARAGE/PRIVATE:** An accessory structure designed or used for storing motor-driven vehicles, recreational vehicles and trailers, boats, furniture, or other miscellaneous personal property. Not more than one of the vehicles may be a commercial vehicle of not more than two-ton capacity.
40. **GRADE:** The average level of the finished surface of the ground adjacent to the exterior walls of the structure. However, when any wall approximately parallels and is not more than five feet from a street line, then the average elevation of the street along that wall shall be grade.
41. **HEIGHT OF A STRUCTURE:** The vertical distance from the grade (elevation of the curb, sidewalk, or average elevation of the ground around the structure) to the highest point of the roof.
42. An occupation, profession, activity or use that is clearly a customary, incidental and secondary use of a residential dwelling unit, and which does not alter the exterior of the property or affect the residential character of the neighborhood.

1. *Home Occupation Regulations.* Regulations pertaining to home occupations are designed to protect and maintain the residential character of a neighborhood while permitting certain limited commercial activities.
 - a. *Restrictions on home occupations.* The following requirements must be met for an activity or occupation to qualify as a home occupation.
 - i. The occupation or activity must be clearly incidental and secondary to the use of the premises as a dwelling. The occupation or activity shall not occupy more than 25% of the floor area of a building, not to exceed 400 square feet.
 - ii. The occupation or activity must be carried on wholly within a main building or approved accessory building.
 - iii. The occupation or activity must be carried on by a member of the family residing on the premises. No person not a resident on the premises shall be employed. No person not a member of the family shall be employed.
 - iv. No stock in trade or food or commodities may be sold on the premises as a primary source of income.
 - v. No external alterations or special construction of the premises can be done. No exterior indication, except for the permitted sign, that the building is being used for any purpose other than a dwelling shall exist.
 - vi. No occupations or activities are permitted which are noxious, offensive or hazardous by reason of pedestrian or vehicular traffic or by creation of noise, odor, refuse, heat, vibration, smoke, dust, glare, radiation or other objectionable emissions or by interference with television or radio reception.
 - vii. No substantial volumes of vehicular traffic or parking demand shall be created.
 - viii. No advertising sign shall be displayed except for an unlighted name plate flat against the building not exceeding two square feet in area, stating only the resident's name and occupation.
 - ix. There shall be no off-premises signs, radio, television, newspaper, handbill or similar advertisement linking the premises with the home occupation. The advertisement of the home occupation within a telephone directory, excluding the address, is permitted. Also permitted is the advertisement of the resident's name, home occupation and phone number only within a newspaper.
 - x. The activity shall not involve any outside storage nor in any way create, outside the building, any external evidence of the operation.
 - b. *Activities permitted.* Permitted home occupations include, but are not limited to the following list of activities; provided, however, that each permitted home occupation is subject to the limitations in the preceding division and to all other applicable regulations to the district in which it is located.
 - i. Studio of an artist, photographer, craftsman, writer or composer;
 - ii. A family day care facility operating under the provisions of the Iowa Code Chapter 237A. An exception is hereby established in the case of family day care facilities under the Iowa Code

Chapter 237A. The exception pertains to the restriction that only resident members of the family can be employed on the premises. Where Iowa Code Chapter 237A requires additional employees, those employees may be nonresidential, non-members of the family, provided a member or members of the family are the licensed or registered party and are in charge of the family day care facility. Inspection by the Fire Chief of all family day care facilities is required;

- iii. Domestic service activities such as sewing, tailoring and laundering;
 - iv. Pet clipping;
 - v. Barber shop and beauty shop;
 - vi. Carpentry shop, cabinet making, upholstering, furniture repair, refinishing, sign making or other similar occupations;
 - vii. Home-based businesses where the service is provided off-premises;
 - viii. Sale of real estate and/or insurance;
 - ix. Office of a physician or dentist for consultation or emergency treatment, but not for general professional practice;
 - x. Teaching, limited to not more than six pupils at one time;
 - xi. Telemarketing, computer programming and repair and services provided over the internet; and
 - xii. Mail order businesses where products are shipped directly from the supplier to the customer.
- c. *Activities prohibited.* Prohibited commercial activities in the home include, but are not limited to, the following. These activities and other similar activities are not classified as home occupations and will not be permitted in a residential area.
- i. Motor repair service or auto body repair service;
 - ii. Junk yard or salvage yard activity, as those terms are defined in chapter 122 of this code, or welding activity;
 - iii. Restaurants or taverns;
 - iv. Convalescent homes;
 - v. Rooming and boarding house;
 - vi. Gift, craft or antique shops;
 - vii. Animal husbandry, kennels or commercial horse stables;
 - viii. Tattooing, body piercing, fortune telling or massage services;
 - ix. Business or store of any kind with stock for trade or sale; and
 - x. Warehousing or storage of materials or merchandise.
- d. *Parking.* Off-street parking, other than in a front yard, shall be provided for all home occupations. At least four off-street parking spaces are required for barber shops and beauty shops; all other uses shall comply with the parking requirements found in Article 3 of this Chapter.
- e. *Variance.* Variances from the requirements under this section shall be heard by the Board of Adjustment.

43. HOTEL: A structure occupied as the more or less transient abiding place of individuals who are lodged with or without meals and in which sleeping rooms are usually occupied

independently with meals served by an adjacent or attached commercial facility and where required parking is provided on adjacent lots.

44. **INDUSTRY, LIGHT:** Any light manufacturing or industrial processing, which by nature of the materials, equipment, and process utilized are to a considerable measure clean, quiet, and free of any objectionable or hazardous element.
45. **INDUSTRY, HEAVY:** Any heavy manufacturing or industrial processing, which by nature of the materials, equipment and process utilized cannot eliminate entirely objectionable features and influences but which, never the less, must be provided for somewhere in the urban area.
46. **JUNKYARD OR SALVAGE YARD:** An open area on any lot or parcel of land which is used for storage, abandonment or keeping of junk, including scrap metals or scrap materials, or for the abandonment or dismantling of machinery, motor vehicles, or other vehicles or parts.
47. **LANDING:** The space at the top of a flight of stairs.
48. **LOT:** For the purpose of this Ordinance, a lot is a parcel of land of at least sufficient size to meet minimum zoning requirements for use and area, and to provide such yards and other open spaces as are herein required. Such lot shall have frontage on an improved public street, or on an approved private street.
49. **LOT AREA:** The area of a horizontal plane, bounded by the front, side and rear lot lines.
50. **LOT DEPTH:** The distance from the front lot line to the rear lot line. In the case of a lot of irregular shape, the maximum depth shall be the lot depth.
51. **LOT, CORNER:** A lot abutting upon two or more streets at their intersection.
52. **LOT, INTERIOR:** An interior lot is any other lot than a corner lot.
53. **LOT WIDTH:** The distance between the side lot lines. In the case of a lot of irregular shape, the maximum width shall be the lot width.
54. **LOT LINE, FRONT:** That lot line which is opposite and most distance from the rear lot line. In the case of an interior lot, abutting on only one street, the front of the lot is the street side. In the case of any other lot, it

may be such street side as is elected by the owner to be the front of the lot for the purpose of this chapter.
55. **LOT LINE, REAR:** That lot line which is opposite and most distant from the front lot line.
56. **LOT LINE, SIDE:** Any lot line, not a front lot line, or a rear lot line.
57. **LOT THROUGH:** A lot running through the block from street to street.
58. **LOT OF RECORD:** A lot or parcel of land, the deed to which has been recorded in the office of the County Recorder prior to the adoption of this Ordinance.
59. **MANUFACTURED/MODULAR HOME:**
 - a. A manufactured home is a factory-built structure built under authority of 42 USC Section 5403 and is required by federal law to display a seal from the U S Department of Housing & Urban Development, with a manufactured date not exceeding 20 years from the present date.

- b. A modular home means a factory-built structure built on a permanent chassis which is manufactured to be used as a place of human habitation, and is constructed to comply with the Iowa State Building code for Modular Factory-Built Structures and must display the seal issued by the state building code commissioner. (Iowa Code Section 435.1).

- 60. **MOBILE HOME:** A structure so constructed as to permit it to be moved and shall include non-self-propelled vehicles so designed, constructed, reconstructed or added to by means of an enclosed addition or room in such a manner as will permit the occupancy thereof as a dwelling or sleeping place for one or more persons, having no permanent foundation and supported by wheels, jacks or similar supports. Minimum size of structure must be 12' x 50'. (See R-3 Special Exception 204.32(5)). **A mobile home shall only be located in an R-3 District.**
- 61. **MOBILE HOME CONVERTED TO REAL ESTATE:** A mobile home which has been attached to a permanent foundation on real estate owned by the mobile home owner, which has had the vehicular from modified or destroyed, rendering it impossible to reconvert to a mobile home and which has been inspected by the assessor, the mobile home title, registration and license plates collected from the owner and the property entered on the county tax rolls.
- 62. **MOBILE HOME PARK:** Any site, lot, field or tract of land upon which three or more mobile homes, manufactured homes or modular homes or a combination of any of these homes which are placed on developed spaces and operated as a for-profit enterprise with water, sewer or septic, and electrical services available.
- 63. **MOTEL:** A permanent structure or group of structures designed or arranged primarily for temporary occupancy, so laid out as to provide off-street spaced on the same lot for parking vehicles used by the traveling public. Such structure or group of structures may include living quarters for the use of operating the commercial facility.
- 64. **NONCONFORMING USE:** Any structure or land lawfully used at the time of the effective date of this Ordinance which does not conform with the use regulations of the district in which it is situated.
- 65. **ORDINANCE PURPOSE:** To seek uniformity and harmony within a district.
- 66. **PARKING SPACE:** A surfaced area connected to a public street or alley by a driveway and permanently reserved for the parking or storage of one motor vehicle.
- 67. **PERSONAL SERVICES:** Any enterprise conducted for gain which primarily offers services to the general public such as shoe repair, valet service, watch repairing, barber shops, beauty parlors, and related activities.
- 68. **PLANNING AND ZONING COMMISSION:** A committee appointed by the Council to act in matters pertaining to city development.
- 69. **PORCH:** A roofed platform forming the entrance to a house.
- 70. **PROFESSIONAL OFFICES:** The use of offices and related spaces for such professional services, such as but not limited to, as provided by doctors, dentists, lawyers, architects, engineers and realtors.
- 71. **PUBLIC USES:** Any structure or land maintained or operated by governmental entities.

72. RECREATIONAL FACILITIES: Country clubs, riding stables, golf courses and other recreation areas and facilities or recreation centers.
73. SETBACK: The required distance between a lot line and the closest wall of a conforming structure on the lot.
74. SIGN: Any advertisement, announcement or billboard which directs attention to a business, profession, service, product or activity sold or identification.
75. SOCIAL ACTIVITIES: Any structure and land used for private or semi-private club activities, including lodges, fraternities and similar activities.
76. SPECIAL EXCEPTION: A use not in specific conformity with the provisions of this Ordinance. Refer to each zoning district section for special exceptions allows. See 805.2 for procedure.
77. STREET: A public right-of-way which affords a primary means of access to the property. An alley is not a street in this ordinance.
78. STREET SIDE: The edge of a lot which is adjacent to a public right-of-way.
79. STRUCTURES: Anything constructed, erected or built, the use of which requires more or less permanent location on the ground and designed for the support, enclosure, shelter or protection of persons, animals, chattels or property of any kind, including but without limiting the generality of the foregoing, installations such as signs, billboards, radio towers and other facilities not designed for storage of property or occupancy by persons. This does not include sidewalks and driveways or structures smaller than six feet by six feet (6' x 6') in area. Any structure intended primarily for human occupancy or use, and not a carport, deck or succah as defined in this chapter, and not a gazebo as commonly defined, shall consist of a permanent foundation, permanent walls and a roof.
80. SUCCAH: A succah is a temporary external dwelling built and inhabited by Jewish people for the purpose of celebrating the religious holiday of Succoth. The holiday of Succoth starts on the 15th day from Rosh Hashana and lasts for nine days. This symbolic dwelling place typically consists of three to four walls, deliberately lacking a permanent roof. Instead of erecting a roof, the succah is covered with items such as pine branches, bamboo or other similar materials. The building of the succah may begin thirty days (30) before the start of the holiday of Succoth, and the succah must be dismantled no later than thirty days after the holiday of Succoth ends.
81. STRUCURAL ALTERATION: See "Alterations."
82. TRAILER CAMP OR TOURIST CAMPGROUND: Any area providing spaces for two or more travel trailers, motor homes, RVs, camping trailers or tent sites for temporary occupancy with necessary incidental services, sanitation and recreation facilities to serve the traveling public.
83. TRAVEL TRAILER OR CAMPING TRAILER: A vehicle with or without motive power used or so manufactured or constructed as to permit its being used as a conveyance upon the public streets and highways and so designed to permit the vehicle to be used as a place of human habitation by one or more persons. Such vehicle shall be customarily or ordinarily used for vacation or recreation purposes.
84. VARIANCE: A relaxation of the terms of the zoning ordinance, authorized only for height, area and size of structure or size of yards and open spaces, where such relaxation will not be contrary to the public interest and where, owing to conditions peculiar to the property and not the result of the actions of the applicant, a literal unnecessary and undue

hardship. As used in this area and size of structure or size of yards and open spaces. Establishment or expansion of a use otherwise prohibited shall not be allowed by variance, nor shall a variance be granted because of the presence of non-conformities in the zoning district or uses in an adjoining zoning district. See 805.3 for procedure.

85. YARD: An open space on the same lot with a structure unobstructed from the ground upward and measured as the horizontal distance between the lot line and main structure.
86. YARD, FRONT: A yard extending across the front of a lot between the side lot lines and measured between the front lot line and the main structure or any projection other than the projection of the usual steps, cornices, eaves, gutters or chimney.
87. YARD, REAR: A yard extending across the rear of the lot between the side lot lines and measured between the rear lot line and the rear of the main structure or any projection other than steps, unenclosed porches, entrance ways, cornices, eaves, gutters or chimney.
88. YARD, REQUIRED REAR: An area measurement determined by multiplying the rear yard set back requirement times the width of the lot. Said area is located at the very rear of the lot and extends across the entire width of the lot.
89. YARD, SIDE: A yard between the main structure and the side lot line and extending from the front yard to the rear yard, and being the horizontal distance between a side lot line and the side of the main structure or any projections. This applies to all decks, screened and unscreened porches, chimneys, stoops, and any other addition to the structure, portable or otherwise.

Fee Schedule by reference only: See Section 702.6

**RATE SCHEDULE FOR ZONING CODE PERMITS IN THE
CITY OF POSTVILLE**

	<u>Rate</u>
A mobile home locations permit:	\$ 35.00
Location permit or construction compliance permit for decks, fences, signs, continuous shrubbery or utility sheds up to \$5,000 Value: (per item)	\$ 35.00
Home occupation permit:	\$ 35.00
Demolition permit:	\$ 35.00
Location permit or construction compliance permit for all Other structures: (per structure)	
Building value up to \$50,000:	\$ 75.00
Building value over \$50,000 and up to \$100,000:	\$125.00
Building value over \$100,000 and up to \$500,000+:	\$2.00 per thousand of valuation

Resolution #1024 monthly compensation for Zoning Administrative Officer shall be 50% of the fee charged for each permit issued plus \$250 per month.

CONSTRUCTION, ALTERATION OR DEMOLITION OF A STRUCTURE,

CHANGE OF USE OF A STRUCTURE OR LAND

File application with Zoning
Administrative Officer. Attach
plans showing proposed building
project, methods, materials and fee.



A 15-working day waiting period,
If necessary

Compliance,
Permit issued

Non-compliance,
permit denied

Revise plans



Zoning
Administrative
Officer

Appeal to the Board
of Adjustment for a
variance or special
exception

Compliance,
Permit issued

Non-compliance,
permit denied

APPEAL FOR VARIANCE FROM THE ZONING CODE

File application,
a list of property
owners within 150'
radius and fee to
Zoning Administrative
Officer.



City Clerk to send
notices and publish
under direction of
Board of Adjustment.



Hold public hearing
within 45 days

Variance
granted



Zoning
Administrative
Officer issues permit

Variance
not granted



Appeal to
District Court

APPEAL FOR SPECIAL EXCEPTION TO THE ZONING CODE

File application,
A list of property
Owners within 150'
Radius and fee to
Zoning Administrative Officer



City Clerk to send notices
and publish under direction
of Board of Adjustment.



Recommendation from
Planning & Zoning
Commission



Hold public hearing
within 45 days

Special exception
granted

Special exception
not granted



Appeal to District Court

Moving of Structures,
including mobile homes
(See Municipal Code)

File application and
description of locations and
and routing plans and fee
to City Clerk

Approved by Police
Chief and Public Works
Director

Post \$1,000 bond and
certificate of insurance

Permit issued
by Mayor

File application for
Mobile home location,
Permit and fee with
Administrative Officer

Signs – fencing
(Refer to district requirements
Are 2 and fencing, Art 4

File application and fee with
Zoning Administrative Officer

Compliance,
permission
granted

Non-compliance,
permission
denied

Curb cuts

Approved by
City Council

Change of
Zoning District
Boundaries



File Application
With Administrative Officer
Include required
Information & fee



Recommendation
From Planning & Zoning
Commission within 30 days



Hold Public Hearing

Council adopts
the change

Council denies
a change

OFFICIAL ZONING MAP
FIRE ZONE

