

City of Keota
Zoning Ordinance

DRAFT

Adopted: _____, 2013

Prepared in cooperation with
Area 15 Regional Planning Commission

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SECTION 1: INTRODUCTION

1-1: Titlea

This ordinance shall be known as, referred to and cited as the “Zoning Ordinance of the City of Keota, Iowa” and is hereinafter referred to as the “Code” or “Zoning Code” or “Zoning Ordinance”.

1-2: General Purpose

The purpose of this Ordinance is to protecte the public health, safety, and welfare; implement and achieve the policies and goals of the City’s comprehensive plan; provide adequate light and air; prevent the overcrowding of land; secure safety from fire, panic, and other dangers; lessen congestion in the public streets; ecourage efficiency and economy in the use of and development of land; facilitate adequate provisions for transportation, water, sewage disposal, surface water drainage, schools, parks, and other public facilities; maintain a high standard of environmental quality, and allow for the development of residential, commercial, and industrial areas which function in an orderly and harmonious manner, both internally and in relation to each other, and which promote the convenience and prosperity of the citizenry, all in accordance with Chapter 414 of the Code of Iowa.

1-3: Interpretation of Regulations

In their interpretation and application, the provisions of this Ordinance shall be held to be minimum requirements for the promotion of the public health, safety, morals, comfort, convenience, and general welfare of this community. It is not intended to repeal, abrogate, annul, impair, or interfere with any existing easements, covenants, deed restrictions, agreements, rules, regulations, or permits previously adopted or issued pursuant to law. However, whenever this Ordinance imposes conditions either more restrictive or less restrictive than comparable conditions imposed by another law, ordinance, statute, resolution, or regulation of any kind; the regulations which are more restrictive or which impose higher standards or requirements shall prevail.

The use of all land and every building or portion of a building erected or altered after the adoption of this Ordinance shall be in conformity with these provisions. Any existing building or structure and any existing use or properties no in conformity with the regulations herein prescribed, shall be regarded as nonconforming, but may be continued, extended or changed, subject to the special regulations outlined in this Ordinance.

1-4: Severability

Should any section or provision of this Ordinance be declared by a court of competent jurisdiction to be invalid, that decision shall not affect the validity of the Ordinance as a whole or any part thereof, other than the part so declared to be invalid.

SECTION 2: DEFINITIONS

For the purpose of the ordinance, certain terms and words are defined as follows in this chapter. Words used in the present tense include the future; words in the singular number include the plural, and words in the plural number include the singular; the word "may" is permissive; the word "shall" is mandatory; the word "building" includes the word "structure"; the word "person" includes a firm, association, organization, partnership, trust, company, or corporation as well as an individual; the words "used" or "occupied" include the words intended, designed, or arranged to be used or occupied; and the word "he" includes the word she. Words not defined shall be interpreted in accordance with definitions in Webster's New World Dictionary.

ACCESSORY USE OR STRUCTURE: A use or a structure subordinate to the principal building on the same lot and serving a purpose customarily incidental and subordinate to the principal use.

AGRICULTURAL USE: The raising of field crops, horticulture and animal husbandry

ALLEY: A public or private thoroughfare which affords only a secondary means of access to abutting property.

APARTMENT: A single room or set or rooms occupied as a dwelling which is part of a multi-family structure.

BASEMENT: A story having part, but not more than one-half (1/2) of its height below grade as measured at the front of the structure. A basement is counted as a story for the purposes of height regulations.

BED AND BREAKFAST HOME: A structure containing a single dwelling unit, which provides lodging and meals for overnight guests only, in which no more than five (5) sleeping rooms are available for guests and is the principal residence (as defined in the Internal Revenue Code) of a person owning not less than 30 percent of the fee title to the property. Each sleeping room in a bed and breakfast home shall be at least one hundred forty (140) square feet in area.

BED AND BREAKFAST INN: A structure containing a single dwelling unit with a full-time resident owner or resident manager which provides lodging and meals for overnight guests only and has no more than nine (9) sleeping rooms available. Each sleeping room shall be at least one hundred forty (140) square feet in area.

BLOCK: A portion of a street on a particular side of the street without a separation by a cross-street or alley

BOARDING HOUSE: A building other than a hotel where, for compensation, meals, or lodging and meals are provided for six (6) or more persons.

BUILDABLE AREA: The portion of a lot remaining after required yards have been provided.

BUILDING: Any structure for the shelter or enclosure of persons, animals, or chattels.

BULK REGULATIONS: Regulations governing the size, location, and dimensions of buildings and improvements on a parcel of land.

CELLAR: A story having more than one-half (1/2) of its height of all walls below the highest level of the adjoining ground. A cellar shall not be considered as a story for the purpose of this Code.

CONDOMINIUM: A multi-family dwelling or townhouse as defined herein where the fee title to each dwelling is held independently of the others and title to common areas is held jointly by dwelling unit title holders.

DECK: A non-roofed structure open on two (2) or more sides projecting from the front, side, or rear wall of a building and at least twelve (12) inches in height above the ground.

DISTRICT: Any part or parts of Keota, Iowa, wherein regulations of this Ordinance are uniform.

DWELLING: Any building or portion thereof which is designed or used primarily for residential purposes but not including a tent, trailer, or a room in a hotel or motel.

DWELLING, UNIT: A room or group of rooms which are arranged, designed or used as living quarters for the occupancy of one (1) family and contain independent cooking facilities for the family.

DWELLING, SINGLE FAMILY: A detached residence designed for or occupied by one (1) family only and having no party wall in common with an adjacent building.

DWELLING, TWO FAMILY: A residence designed for or occupied by two (2) families with separate entrances, housekeeping, and cooking facilities for each.

DWELLING, MULTI-FAMILY: A residence designed for the occupancy by three (3) or more families with housekeeping and cooking facilities for each.

ESSENTIAL SERVICES: The erection, construction, alteration or maintenance by developers, public utilities, or governmental agencies of underground or overhead gas, telephone, television, electrical, wastewater, water transmission or distribution systems, including poles, towers, wires, drains, sewers, pipes, conduits, cables, fire alarm boxes, police call boxes, traffic signals, hydrants, and other similar equipment and in connection therewith reasonably necessary for the furnishing of adequate service by such public utilities or governmental agencies or for public health or safety or general welfare, but not including buildings.

Essential services shall be permitted as authorized and regulated by law and other ordinances of the community, it being the intention hereof to exempt such essential services from the application of the ordinance.

FAMILY: A group of individuals related by blood, marriage or adoption and not more than three (3) unrelated individuals living together and occupying a dwelling unit; a group of not more than five (5) unrelated persons living together by joint agreement; the residents of an elder family home as defined in Section 231A.2 of the Iowa Code; or residents of a family home as defined in Section 414.22(4)(c) of the Iowa Code. Only one family may reside in any dwelling unit.

FLOOR AREA: The square feet of floor space within the outside line of walls, including the total of all space on all floors of a building. Floor area shall not include porches, garages or space in a basement or cellar.

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, than all of the property abutting one (1) side between an intersecting street and the dead-end of the street. The front of a double fronted lot shall face the street upon which the lot will be addressed.

GARAGE, PRIVATE: An accessory building or portion of a building and/or used only for the shelter or storage of vehicles by the occupants of the premises or the leasing of space as provided therein, including covered parking space or carport.

GARAGE, COMMERCIAL: A building or portion thereof, other than a private or storage garage, operated for commercial purposes and/or designed, intended or used for the equipping, servicing, selling, hiring, storing, care or repair of motor vehicles.

GASOLINE SERVICE STATION: Any building or premises used for the retail sale of automotive fuels, oils and other items customarily associated with the sale of such products, but not for the purpose of making other than minor repairs. When the dispensing, retail sale or offering for retail sale is incidental to the conduct of a commercial garage, the premises shall be classified as a commercial garage.

GRADE: The average level of finished surface of the ground adjacent to the exterior walls of the building except when any wall approximately parallels and is not more than five (5) feet from a street line, then the elevation of the centerline of the street at the center of the wall adjoining the street shall be grade.

HEIGHT: The perpendicular distance measured in a straight line from the curb level to the highest point of the roof beams in the case of flat roofs, and to the average of the height of the roof in the case of pitched roofs; the measurement in all cases to be taken through the center of the front of the house. Where a dwelling is situated on ground above the curb level such height shall be measured from the level of the adjoining ground. Where a dwelling is on a corner lot and there is more than one grade or level, the measurements shall be taken from the main entrance elevation.

HOME OCCUPATION: An occupation, profession, activity or use, carried on by a member of the family residing in the premises, that is an incidental or secondary use of the dwelling.

HOTEL: A building in which lodging or boarding and lodging, are provided and offered to the public as more or less a temporary abiding place of individuals for compensation and which is open to a transient guest provided no provisions have been made for cooking in any individual room in contradistinction to a boarding house or lodging house as herein defined.

INSTITUTION: A building or premises occupied by a nonprofit corporation or establishment for public use.

JUNK YARD OR SALVAGE YARD: The use of more than two hundred square feet of the area of any lot for the storage, keeping, sale or abandonment of wastepaper, rags, scrap metal, scrap lumber or other

discarded material; or for the collecting, dismantling, storage and salvaging of machinery or vehicles not in running condition and for the sale of parts thereof, and not including salvaged materials incidental to manufacturing operations.

JUNK VEHICLE OR JUNK MACHINERY: Any vehicle or portion thereof not in running condition and/or not licensed for the current year as provided by law and not legally placed in storage with the treasurer of Keokuk or Washington County, or any vehicle or machinery, which because of its defective or obsolete condition, or rotted, rusted or loose parts, or in any other way constitutes a threat to the public health or safety.

KENNEL: An establishment licensed to operate a facility housing dogs, cats, or other household pets and where grooming, breeding, boarding, training, or selling of animals is conducted as a business.

LOADING SPACE: An area used for loading or unloading of goods from a vehicle in connection with the use of the site on which such space is located.

LAND USE PLAN: The comprehensive, long-range plan for the desirable use of land in the community, as officially adopted and as amended from time to time by the Planning and Zoning Commission and City Council; the purpose of such plan being, among other things, to serve as a guide to the zoning and progressive changes in the zoning of land to meet changing community needs, in the subdividing and use of undeveloped land, and in the acquisition of land for such public purposes as streets, parks, schools, and other public buildings or public uses.

LODGING HOUSE: A building other than a hotel or motel where, for compensation, lodging is provided for six (6) or more people.

LOT: A parcel of land under one (1) ownership on which a principal building and its accessories are, or may be placed, together with the required open spaces, having its frontage upon one (1) or more dedicated streets.

- LOT CORNER: the lot fronting on two (2) intersecting streets.
- LOT AREA: The area of a horizontal plane bounded by the front, side, and rear lot lines, but excluding any portion of a flag (panhandle) lot providing access to a street and excluding any public or private easement or right-of-way providing access to another lot.
- LOT, DEPTH: The mean horizontal distance between the front and rear lot lines.
- LOT, WIDTH: The mean horizontal distance across the lot between side lot lines at the building line measured at right angles to the depth.

LOT COVERAGE OR BUILDING COVERAGE: The area of a lot covered by buildings or ground level paving, but excluding incidental projecting eaves, balconies, and similar features and excluding landscaping and open recreational facilities. Also known as “bulk”

LOT, INTERIOR: A lot other than a corner lot.

LOT LINES: The lines bounding a lot.

LOT LINE, FRONT: In the case of an interior lot abutting on only one street, the "front lot line" is the street line of such street. In the case of any other lot, it may be such street line as is selected by the

owner as the "front lot line" for the purpose of this Code, provided that the principal entrance to such building shall be on the street so selected.

LOT OF RECORD: A lot which is part of a subdivision, the plat of which has been recorded in the office of the County Recorder of Keokuk or Washington County, Iowa, or a lot or parcel of land, the deed or valid contract of sale which was recorded in the office of the County Recorder of Keokuk or Washington County, Iowa, prior to the effective date of this Ordinance.

MAJOR DEVELOPMENTS: Development, redevelopment, enlargement or extension exceeding twenty-five percent in size or volume of current use.

MANUFACTURED HOME: A factory built structure built under the authority of 42 United States Code Section 5403, is required by federal law to display a seal from the United States department of Housing and Urban Development, and was constructed on or after June 15, 1976 to be used as a place for human habitation. If a manufactured home is placed in a mobile home park, the home must be titled and is subject to the mobile home square foot tax. If a manufactured home is placed outside a mobile home park, the home is to be assessed and taxed as real estate. A mobile home is not a modular or manufactured home.

MOBILE HOME: Any vehicle without motive power used or so manufactured or constructed as to permit its being used as a conveyance upon the public streets and highways and so designed, constructed, or reconstructed as will permit the vehicle to be used as a place for human habitation by one or more persons; but shall also include any such vehicle with motive power not registered as a motor vehicle in Iowa. A "mobile home" is not built to a mandatory building code, contains no state or federal seals, and was built before June 15, 1976. A mobile home is not a manufactured or modular home as that term is defined in this code.

MOBILE HOME PARK: Any site, lot, field, or tract of land upon which three (3) or more occupied manufactured or mobile homes are parked and connected to utilities, either free of charge or for revenue purposes, and shall include any buildings, structure, tent, vehicle or enclosure used or intended for use as part of the equipment of such mobile home park.

MINI STORAGE: Storage services primarily for personal effects and household goods within enclosed storage areas having individual access. Typical uses include mini warehousing, also referred to as convenience storage or personal storage.

MODULAR HOME: A Modular Home as defined in Section 435.1(3) of the Code of Iowa is defined as a factory-built structure which is manufactured or constructed to be used as a place for human habitation, but which is not constructed or equipped with a permanent hitch or other device allowing it to be attached or towed behind a motor vehicle, and which does not have permanently attached to the body or frame any wheels or axles.

MOTEL: A permanent building or group of buildings so arranged or designed primarily for temporary occupancy, so laid out as to provide space for parking vehicles used by the traveling public. Such building or group of buildings may include living quarters for the use of operating personnel.

NONCONFORMING USE: A lawful use of any land, building, or structure, other than a sign, that does not conform with currently applicable use regulations, but which complied with use regulations in effect at the time the use was established.

NURSING OR CONVALESCENT HOME: A building or structure having accommodations and where care is provided for invalid, infirmed, aged, convalescent, or physically disabled or injured persons in which three (3) or more persons not of the immediate family are received, kept and provided with food and shelter for compensation. This shall not include insane, mental cases, inebriate or contagious cases.

PARKING FACILITY: An area on a lot or within a building, or both, including one or more parking spaces together with driveways, aisles, turning and maneuvering areas, clearances, and similar features, and meeting the requirements established by this Ordinance. The term "parking facility" shall include parking lots, garages, and parking structures.

PLANNED UNIT DEVELOPMENT: Land development of at least five acres, or more with construction, and often a use, differing from that permitted under the strict terms of the applicable zoning classification, but conforming to a detailed plan submitted by the developer and administratively approved. The PUD is a zoning device designed to permit flexibility in large-scale development which otherwise could not be developed under the applicable zoning classification. In many instances, the PUD combines what would otherwise be applications for multiple variations and special uses into one plan. The ultimate development might combine several different use types, such as a park, shopping center, multiple residential and single-family residential. All of these diverse uses and any variations needed to cluster them are submitted to the plan commission of the municipality as one complete package.

PRINCIPAL USE: The main use of land or structures as distinguished from an accessory use.

PUBLIC NOTICE: The publication of the time and place of any public hearing not less than four (4) days and not more than twenty (20) days prior to the date of said hearing in one newspaper of general circulation in the City.

SIGN: Any structure or devise for visual communication that is used for the purpose of bringing the subject thereof to the attention of the public, but not including any flag, badge or insignia of any government or governmental agency.

SIGN AREA: The surface area of a sign shall be computed as including the entire area within a regular geometric form or combination of such forms comprising all of the display area of the sign and including all of the elements of the matter displayed. Frames and structural members not bearing advertising matter shall not be included in computation of surface area.

SITE PLAN: A map or graphics prepared to scale depicting a development of a tract of land, including the location and relationship of structures, streets, driveways, recreation areas, parking areas, signage, utilities, drainage, landscaping, grading, and other site development information.

STORY: The portion of a building included between the surface of any floor and the surface of the floor next above it, or if there is no floor above it, then the space between such floor and the ceiling next above it.

STREET: A public thoroughfare, which affords the principal means of access to abutting property.

STRUCTURAL ALTERATION: Any replacement or changes in the type of construction or in the supporting members of a building, such as bearing walls or partitions, columns, beams or girders, beyond ordinary.

STRUCTURE: Anything constructed or erected with a fixed location on the ground, or attached to something having a fixed location on the ground.

UNNECESSARY HARDSHIP: A condition existing in connection with a single property which justifies granting a variance due to the unique circumstances of the property and such condition is not created by the property owner, and which if permitted by variance will not alter the essential character of the locality. Economic considerations alone shall not constitute an undue hardship if any reasonable use for the property exists under the terms of this title.

VARIANCE: A modification or variation of the provisions of this ordinance where it is determined that by reason of special and unusual circumstances relating to the specific lot, that strict application of this chapter would cause an unnecessary hardship.

YARD, FRONT: An open space extending across the full width of the lot and measured between the front lot line and the building or any projection thereof, other than the projection of the usual steps and eaves.

YARD, REAR: An open space extending across the full width of the lot and measured between the rear lot line and the structure or any projections other than uncovered steps, balconies or eaves. On both corner lots and interior lots the opposite end of the lot from the front yard shall be considered the rear yard.

YARD, SIDE: An open space extending from the front yard to the rear yard and measured between the building and the side lot line.

ZONING ADMINISTRATOR: The individual(s) appointed by the City Council of Keota, Iowa to administer and enforce the provisions of this Ordinance.

ZONING PERMIT: A permit issued by the Zoning Administrative Officer, authorizing the use of land in the manner and for the purpose specified in the application.

SECTION 3: ESTABLISHMENT OF DISTRICTS

For the purpose of the ordinance, the following districts are designated:

- "A-1" Agricultural District
- "R-1" Low-Density Residential District
- "R-3" High Density Residential District
- "C-1" General Business District
- "C-2" Central Business District
- "I-1" Industrial District
- "PUD" Planned Unit Development

3-1: OFFICIAL ZONING MAP

As shown by the official zoning map, the city is divided into 7 classes of districts. The boundaries of these districts are hereby established as shown on the official zoning map of the city, and said map and all notations, references and other information shown thereon shall be and are hereby made a part of this ordinance by reference. The official zoning map, signed by the mayor and properly attested by signature of the clerk and date of adoption, shall be and remain on file in the office of the city clerk.

- 1) **Boundaries.** The Boundaries of these districts are hereby established as shown on a map entitled "Zoning Map", which accompanies and is hereby made a part of this ordinance. The district boundary lines on said map are intended to follow lot lines, and centerlines of streets or alleys, the centerlines of streets or alleys projected, or the corporate limit lines, all as they existed at the time of enactment of the ordinance; but where a district boundary line does not clearly coincide with lot lines, it shall be determined by scaling.
- 2) **Divided Lots.** Where a district boundary line divides a lot which was in single ownership and of record at the time of enactment of the ordinance, the rules applying to the less restricted portion of such lot shall be considered as extending to the entire lot. If the more restricted portion of such lot is more than 50 feet beyond said dividing district boundary line, such less restricted use shall be limited to the portion of the lot lying within 50 feet of said boundary line.
- 3) **Interpretations.** Questions concerning the exact location of district boundary lines shall be determined by the Board of Adjustment according to rules and regulations which it may adopt, as hereinafter provided under Section 17 Board of Adjustments.
- 4) **Annexed Areas.** All territory which may hereafter be annexed to the community shall be classed automatically as being in a "A-1" Agricultural District until such classification shall have been changed by amendment of the ordinance as provided hereinafter.

3-2: Modification of District Boundaries

Amendments, supplements, or changes of the boundaries of districts shall be made through official action by amending the Official Zoning Map, and be consistent with the procedures outlined in this Zoning Ordinance. Such changes shall be made by the zoning administrator promptly following the action by the council. This amendment shall be recorded by the City Clerk as other Ordinances are. There shall be a letter sent to the petitioner informing him of the action; a copy of this letter shall be placed in the permanent zoning files of the City. The Official Zoning Map, together with amending Ordinances, shall be the final authority as to current zoning status of land and water areas, buildings, and other structures in the City.

SECTION 4: GENERAL PROVISIONS

4-1: Applicability

Except as hereinafter provided, no building, structure or land shall hereafter be used and no building or part thereof or structure shall be erected, converted, enlarged, reconstructed, or structurally altered, except in conformity with the regulation herein specified for the class of District in which it is located.

4-2: Continuance of Existing Uses

Any building, structure, or use lawfully existing at the time of enactment of the ordinance may be continued, except certain non-conforming uses as described in Section 4-3. Nothing in the ordinance shall prevent the strengthening or restoring to a safe condition any part of any building or structure declared unsafe by any competent authority.

4-3: Nonconforming Uses

There exists lots, structures, and uses of land and structures, within the various zoning districts of this Ordinance which were lawful prior to the adoption of this Ordinance, but which would be prohibited or restricted under the Ordinance today. These nonconformities will be allowed to continue to exist until they are discontinued, but are declared by the Ordinance to be incompatible with permitted uses in the zoning districts involved. Such nonconformities may only expand or extend in compliance with the regulations outlined in the District in which it is located.

- 1) **Loss of Protection:** Nonconformities will be allowed to continue to exist until they are discontinued, except in the cases provided below:
 - a. **Damaged Structures.** Any non-conforming building or structure which has been or may be damaged by fire, flood, explosion earthquake, war, riot, or an act of God, may be reconstructed and used as before if it be done within 12 months of such calamity, unless damaged more than 50% of its fair market value, as determined by the Board of Adjustment, at the time of such damage, in which case reconstruction shall be in accordance with the provision of the ordinance.
 - b. **Discontinued Use or Changed Use.** The following shall not be devoted again to non-conforming use: buildings, structures, or premises where a non-conforming use has been or may be discontinued for more than one year; buildings, structures or premises that have been changed or may be changed to a use permitted in the district in which they are located.
 - c. **Conformity Period.** Any building or structure devoted to a non-conforming use with a fair market value of less than \$500, as determined by the Board of Adjustment, may be continued for a period not to exceed three years after enactment of the ordinance, whereupon such non-conforming use shall cease and thereafter such building or structure shall be removed or changed to a conforming use.

- 2) **Nonconforming Lots of Record in any District in which Single-Family Dwellings are permitted uses:** A single family dwelling and customary accessory buildings may be erected on any single lot of record at the effective date of adoption or amendment of this Ordinance even though such lot fails to meet the requirements for area or width, or both, that are generally applicable in that district. The yard dimensions and other bulk regulations for the district in which such lot is located shall still apply, with additional guidelines outlined in Section 12. A variance shall be obtained through action of the Board of Adjustment of area, width, and yard requirements.

Two or more nonconforming lots, or portions thereof, that are contiguous in frontage and under the same ownership shall be considered to be an unsubdivided parcel for purposes of this Ordinance. No portion of said parcel shall be sold and then used which does not meet lot width and area requirements established by this Ordinance, nor shall any division of the parcel be made which leaves remaining any lot with width or area below the requirements stated in this Ordinance.

- 3) **Nonconforming uses or structures in any District other than a Commercial or Industrial District:** Existing structures or premises devoted to a use not permitted by this Ordinance in the district which such structure or premise is located shall not be enlarged, extended, reconstructed, substituted, or structurally altered, except when required by law, unless:
 - a. A nonconforming use of a structure may be changed to another nonconforming use of the same or more restrictive classification, provided no structural alterations are made.
- 4) **Nonconforming uses or structures in any Commercial or Industrial District.** The regulations described in this Ordinance shall apply to nonconforming uses in a commercial or industrial district, subject to the following exception:
 - a. Nonconforming structures may be structurally altered or enlarged in conformity with the lot area, lot width, yard, and height requirements of the district in which such use is located. Such construction shall be limited to buildings on lots of record in the same ownership prior to the effective date of this Ordinance. The structural alteration or enlargement of structures shall not change the nature of the nonconforming use that existed prior to the effective date of this Ordinance.
- 5) **Permitted structures and use of land and structures made nonconforming by the requirements of bulk regulations.** A permitted structure or use that fails to meet the established bulk regulations of the district in which it is located may be structurally altered or extended provided that the alteration or extension is in compliance with the bulk regulations of the district in which it is located. Any variance must be obtained through action of the Board of Adjustment.
- 6) **Uses under conditional provisions.** Any use for which a conditional use permit is permitted as provided in this Ordinance shall not be deemed a conforming use. Any additions shall be with Board of Adjustment approval.

4-4: Minimum Requirements for Residential Structures

All structures intended for residential occupancy placed, erected, assembled, or constructed in the City after the effective date of this Ordinance shall meet and comply with the minimum requirements set out below.

- 1) **Structure size.** Each such structure shall have a "main body" with a minimum exterior dimension of at least twenty feet (20') measured from the outside of the exterior walls.
- 2) **Minimum Floor Area (Bulk Regulations).** Each structure should have a minimum floor area of not less than seven hundred and twenty (720) square feet.
- 3) **Foundation.** Every principal residential structure shall have a continuous and complete frost protected perimeter foundation, that consists of load-bearing support walls, constructed of concrete, that are buried at least 42" deep. This permanent foundation shall be in the form of a solid wall located under the exterior walls of the structure as to support and secure the structure. Any manufactured or modular home shall be attached to the permanent foundation in such a

manner as to prevent lateral movement, settling, or heaving. The permanent foundation system must be visually compatible with the aesthetics of surrounding residential structures.

4) Exterior wall and Roof Material.

- a. Exterior wall covering shall be wood or masonry finish, vertical or horizontal grooved siding or lap siding, or the appearance thereof.
- b. Roofing materials shall be shingles (asphalt, fiberglass, or wood), slate, ceramic, concrete, or metal of a type customarily used for residential roofing material, such as "standing seam" or embossed or textured metal.
- c. Smooth, unfinished or corrugated metal or fiberglass shall not be used for exterior wall or roof covering.
- d. Soffits, eaves, window, and door trim, roofs and coverings over bay and bow windows and doors may be smooth finished metal, vinyl, or wood or unfinished metal, such as copper, customarily used for residential structure trim.

5) Ceiling Height. A minimum finished interior ceiling height of not less than seven and one-half feet (7½') is required

6) Entrance and Exit Doors. Not less than two (2) functional entrance and exit doors shall be provided.

7) Home occupations shall be limited as follows:

- a. Such uses shall be limited to those customarily carried on in a dwelling unit, and;
- b. Shall only be carried on by a member of the family residing in the dwelling unit, and;
- c. Shall be clearly incidental and secondary to the use of the dwelling unit for residential purposes, and;
- d. Shall not employ more than one (1) person outside the immediate family, and;
- e. Shall have no exterior display, no exterior storage of materials, and no other exterior indication of the home occupation or variation from the residential character of the principal building, other than one (1) exterior sign, mounted flush with the exterior of the building, which sign shall not exceed 2 foot by 2 foot (2' x 2') in area, and shall not have flashing lights, and;
- f. Shall occupy not more than one floor of the dwelling unit and occupy no more than thirty (30) percent of the area of that floor of the dwelling unit, and;
- g. Shall produce no offensive noise, vibration, smoke, dust, odors, heat or glare rendering such building premises objectionable or detrimental to the residential character of the neighborhood, and;
- h. Shall not generate traffic in significantly greater volumes than would normally be expected in a residential area.

4-5: Lot Area Requirements.

1) Existing Lots of Record. In any district where dwellings are permitted, a one-family detached dwelling may be constructed on any size lot officially recorded at the time of enactment of the ordinance, provided that the proposed yard spaces satisfy requirements stipulated for the district in which said lot is located. Requirements may be modified by the Board of Adjustment as set forth hereinafter.

2) Required Yard Cannot be Reduced. No lot, yard, court, parking area or other open space shall be so reduced in area or dimension as to make any such area or dimension less than the minimum required by the ordinance. If already less than the minimum required it shall not be further

reduced. Each building or structure shall have its own open space as required in this ordinance and such open space shall not be included as part of the open space to any other building or structure.

- 3) **Lots Unserved by Sewer and/or Water.** In any district where neither water supply nor public sanitary sewer is accessible, the otherwise specified lot area shall be a minimum 20,000 square feet with width requirements of 100 feet. If, however public water and sewer supply systems are accessible and will be installed, these requirements shall be 10,000 square feet and 75 feet respectively. The City Zoning Administrator shall certify that said areas will be large enough to satisfy all applicable requirements concerning water supply and the disposal of sanitary wastes.
- 4) **Street Frontage - Minimum Requirements.** No lot created after the adoption of the ordinance shall contain any building used as a dwelling unless it abuts at least 50 feet on a street or have a permanent exclusive non-obstructed easement of access not less than 50 feet wide to a street.
- 5) **Traffic Visibility across Corner Lots.** In any "R" District on any corner lot, no fence, structure or planting shall be erected or maintained within 20 feet of the "corner" so as to interfere with traffic visibility across the corner.

4-6: Accessory Buildings in Residential Districts.

- 1) **Size of Structure.** Accessory buildings, including detached garages, shall be limited to 15 feet in height. When located in the rear of the principal dwelling unit, the structure shall not occupy more than thirty percent (30%) of a rear yard and shall not be nearer than two (2) feet to any side or rear lot line, except when a garage is accessed from an alley. For garages located in the rear yard and accessed from an alley, a garage shall not be located closer than ten (10) feet to the alley line. If a garage is located in a side yard, the structure shall be a minimum of 5 feet from the side property line. In either event, the structure shall be a minimum of 5 feet from the dwelling unit, and shall not be located in a required front yard, or street side yard for a corner lot.
- 2) **Attached Garage or Carport.** A garage or carport attached directly to the dwelling or connected by a breezeway or similar structure is not considered an accessory building and shall become a part of the principal building, complying with all yard requirements of the dwelling.
- 3) **Adjoining Lots Under One Ownership.** Where two adjoining lots are under one ownership, an accessory building may be constructed on one lot if the adjacent lot contains the principal structure. If the lot containing the accessory structure is sold independently of the lot containing the principal structure, there is a designated conformity period of one year for that lot to have a principal structure built or the accessory structure removed from the non-conforming lot.

4-7: Conversion of Dwelling

The conversion of any building or dwelling, or the conversion of any dwelling so as to accommodate an increased number of dwelling units or families, shall be permitted only within a district in which a new building for similar occupancy would be permitted under the ordinance. Such conversion will be permitted only when the resulting occupancy will comply with the requirements governing new construction in such district with respect to: lot size, lot area per dwelling unit, dimensions of yards and other open spaces, and off-street parking. Each conversion shall be subject also to further requirements as may be specified hereinafter within the Section applying to each district.

4-8: Off-Street Parking and Loading.

In any district spaces for off-street parking and for loading or unloading shall be provided in accordance with the provisions of Section 13 Special Provisions.

4-9: Validity of Existing Building Permits.

Nothing herein contained shall require any change in the over-all layout, plans, construction, size or designated use of any development, building, structure or part thereof, for which official approvals and required building permits have been granted before the enactment of the ordinance. Such construction, conforming with approved plans, shall have been started prior to the effective date of the ordinance and completion thereof carried on in a normal manner within the subsequent six-month period and not discontinued until completion, except for reasons beyond the builder's control.

SECTION 5: “A-1” AGRICULTURAL DISTRICT

The following are provisions of the A-1 Agricultural District:

5-1: Permitted Principal Uses.

- 1) Agricultural activities, excluding livestock farming, general grazing and pasturing, confinement feeding or other concentrated feedlot activities;
- 2) Single family detached dwellings on lots of 5 acres or more;
- 3) Public parks, playgrounds, and recreational areas;
- 4) Cemeteries of 10 acres or more in size;
- 5) Churches, chapels, or parish houses located not less than 20 feet from any side lot line in any “R” District;
- 6) Any building or structure occupied or used for preschool, elementary, junior high or high schools, public libraries, and similar public cultural uses located not less than 20 feet from any side lot line;
- 7) Sale of nursery and greenhouse products;
- 8) Railroad right-of-way and tracks, not including switching, storage terminal facilities or freight yards;
- 9) Publicly owned and operated buildings and facilities including substations, transfer stations, treatment facilities, pumping stations, and storage facilities;
- 10) A manufactured or modular home, only if it is installed upon a permanent foundation as described in Section 4-4.

5-2: Permitted Accessory Uses.

- 1) Essential services;
- 2) Buildings, structures, and uses accessory to agricultural uses including roadside stands, selling produce grown on the premises;
- 3) Home occupations;
- 4) No display of goods or services pertaining to such shall be visible from the street or road;
- 5) Signs as regulated by Section 14 of this Ordinance.

5-3: Conditional Uses.

The following may be permitted in the Agricultural District (A-1) subject to approval by the Board of Adjustment as provided for in Section 15 of this Ordinance. In granting a conditional use permit, the Board of Adjustment may impose site design or operating limitations on the use as needed to mitigate any potential negative impacts of the development:

- 1) Churches, chapels, temples, and similar places of worship.
- 2) Private educational institutions having a curriculum comparable to that of the public school;
- 3) Private parks, playgrounds, recreation areas, camping grounds, golf courses, country clubs, golf driving ranges, archery ranges and swimming pools;

- 4) Agriculture, and agricultural service establishments primarily engaged in performing agricultural, animal husbandry or horticultural services on a fee or contract basis including corn shelling, hay baling, horticultural services such as plant nurseries, landscape gardening, landscape contracting, farm equipment service and repair, veterinary services, commercial auction yards and barns; bulk storage or petroleum products for distribution or direct sales to agricultural consumers;
- 5) Sand and gravel extraction and processing sites;
- 6) Substations, transfer stations, gravel plants, asphalt or concrete batch plants, and sanitary landfills conducted in a manner and method approved by the State Health Department;
- 7) Radio and television broadcasting studios and transmitting structures;
- 8) Stables and kennels.

5-4: Bulk Regulations.

The following minimum requirements shall be observed, and will also be subject to the other regulations outlined in this Ordinance. Each lot shall contain a minimum area of 5 acres.

- | | |
|----------------------------|----------|
| 1) Minimum Lot Area: | 5 Acres |
| 2) Minimum Lot Width: | 300 feet |
| 3) Front Yard Setback | 60 feet |
| 4) Minimum Side Yard Depth | 30 feet |
| 5) Minimum Rear Yard Depth | 100 feet |

5-5: Height Regulations.

No limitation; provided; however, that no structure shall be permitted to extend into the approach zones, clear zones or other restricted air space required for the protection of any public airport.

SECTION 6: “R-1” LOW-DENSITY RESIDENTIAL DISTRICT

The following are provisions of the R-1 Low-Density Residential District:

6-1: Permitted Principal Uses.

- 1) Single-family residential dwellings;
- 2) Two-family residential dwellings (duplexes);
- 3) Cemeteries of 10 acres or more in size;
- 4) Churches, chapels, or parish houses located not less than 20 feet from any side lot line in any “R” District;
- 5) Any building or structure occupied or used for preschool, elementary, junior high or high schools, public libraries, and similar public cultural uses located not less than 20 feet from any side lot line;
- 6) Publicly owned park, playgrounds or other public recreational uses;
- 7) Publicly owned and operated buildings and facilities including substations, transfer stations, treatment facilities, pumping stations, and storage facilities;
- 8) Uses clearly similar in character to those listed above, as determined by the Zoning Board of Adjustment.

6-2: Permitted Accessory Uses.

- 1) Essential services;
- 2) Parking areas;
- 3) Accessory structures, including private garages, utility sheds, gazebos, or greenhouses; which are not operated for commercial purposes, and satisfy regulations for exterior walls and roof outlined in Section 4-4, as well as regulations for accessory buildings outlined in Section 4-6;
- 4) Private swimming pools and tennis courts;
- 5) Home occupations;
- 6) Office of a physician, dentist, lawyer, architect, engineer, clergyman, accountant, or similar enterprise; or customary incidental home occupations including home day cares, beauty shops, barber shops; or dancing or music schools with more than one pupil at a time. Such businesses are subject to the following provisions:
 - a. No more than one room shall be used for such purposes by any resident family;
 - b. No such use shall require internal or external alterations or involve construction features or the use of mechanical equipment not customarily in dwellings;
 - c. No display of goods or services pertaining to such shall be visible from the street or road.
- 7) Parking within the front yard of a residential property may be temporarily allowed for a travel trailer, camping trailer, a pick-up truck coach, auto camper or motorized home belonging to a guest of the property owner. A vehicle may park and occupy for temporary lodging on the same lot but not more than seven (7) days in a calendar quarter, only upon obtaining a special temporary permit from the chief of police or his/her designee.
- 8) Signs as regulated by Section 14 of this Ordinance.

6-3: Conditional Uses.

The following may be permitted in the Low-Density Residential District (R-1) subject to approval by the Board of Adjustment as provided for in Section 15 of this Ordinance. In granting a conditional use permit, the Board of Adjustment may impose site design or operating limitations on the use as needed to mitigate any potential negative impacts of the development:

- 1) A manufactured or modular home, only if it is installed upon a permanent foundation as described in Section 4-4;
- 2) Additional private garages or carports;
- 3) Bed and Breakfast Home;
- 4) Boarding or lodging houses;
- 5) Churches, chapels, temples, and similar places of worship;
- 6) Childrens Day-care businesses
- 7) Hospitals, sanitariums, rest homes, nursing homes and convalescent homes;
- 8) Medical or dental clinics;
- 9) Miniature golf courses, golf courses, or driving ranges;
- 10) Mortuaries or funeral parlors;
- 11) Private educational institutions having a curriculum comparable to that of the public school;
- 12) Private clubs or fraternities;
- 13) Substations, transfer stations, treatment facilities, pumping stations, storage facilities and regulator stations, owned by a municipality or utility company;
- 14) Uses clearly similar in character to those listed above, as determined by the Zoning Board of Adjustment.

6-4: Bulk Regulations.

The following minimum requirements shall be observed, and will also be subject to the other regulations outlined in this Ordinance. Each lot shall have a minimum lot area of 7,500 square feet.

- | | |
|---|--|
| 1) Minimum Ground Floor Area* | 720 square feet |
| *excludes open porches, garages, or steps | |
| 2) Minimum Lot Area: | |
| a. Single-family dwelling | 7,500 square feet |
| b. Two-family dwelling | 8,000 square feet |
| c. Other uses | 8,000 square feet |
| 3) Minimum Lot Width: | 66 feet |
| 4) Front Yard Setback* | 25 feet |
| *For corner lots, the front yard setback shall be followed on both fronts | |
| 5) Side Yard Depth | 3 feet |
| Rear Yard Depth | 25 feet, or 10% of the lot depth, whichever is smaller |

6-5: Height Regulations.

No building shall exceed 2 ½ stories or 35 feet in height, unless otherwise provided.

SECTION 7: “R-3” HIGH-DENSITY RESIDENTIAL DISTRICT

The following are provisions of the R-3 High-Density Residential District:

7-1: Permitted Principal Uses.

- 1) Any use or structure permitted in the principal uses of the R-1 District, outlined in Section 6-1, except as hereinafter modified;
- 2) Multi-family dwellings;
- 3) Boarding and lodging houses;

7-2: Permitted Accessory Uses.

- 1) Any accessory uses allowed in the R-1 District;

7-3: Conditional Uses.

The following may be permitted in the High-Density Residential District (R-3) subject to approval by the Board of Adjustment as provided for in Section 15 of this Ordinance. In granting a conditional use permit, the Board of Adjustment may impose site design or operating limitations on the use as needed to mitigate any potential negative impacts of the development:

- 1) Uses permitted by conditional use permit in the R-1 district;
- 2) Physicians’ and dentists’ offices and private clinics for human care, professional offices of architects, engineers, lawyers, and the like; offices devoted to real estate, insurance, management, and similar enterprises when conducting their activities primarily by mail or telephone and not displaying or handling merchandise on the premises.
- 3) Office of civic, religious or charitable organizations and financial or insurance institutions conducting their activities primarily by mail and not handling merchandise or rendering services on the premises.
- 4) Private parking lot;
- 5) Mobile homes and mobile home parks or trailer courts, are subject to the following conditions:
 - a. All mobile homes shall be placed or parked in a mobile home park unless permitted otherwise by State law;
 - b. The mobile home park shall be located on a parcel of ground at least two acres in size and each boundary line of the park shall be at least 50 feet from any residential structure located outside the park unless separated therefrom by a natural or artificial barrier.
 - c. The park shall be located on a well-drained site, properly graded to insure rapid drainage and freedom from stagnant pools of water.
 - d. Each mobile home, manufactured home, or modular home space shall be large enough to provide a distance of 15 feet between any trailer or structure on the space and the lot line, a front yard of 15 feet and a rear yard of 10 feet.
 - e. Each mobile home shall be served with water and sanitary sewer utilities, service facilities for bathing, laundry, etc. as required by state and local health regulations, and current city standards;
 - f. An electrical outlet supplying at least 110 volts shall be provided for each mobile home, manufactured home, or modular homespace.
 - g. Each park shall comply with the regulations set forth by the General Assembly of Iowa.
 - h. Tiedowns for each mobile home, manufactured home, or modular home as required of State law.

7-4: Bulk Regulations.

The following minimum requirements shall be observed, and will also be subject to the other regulations outlined in this Ordinance. Each lot shall have a minimum lot area of 7,500 square feet.

- 1) Minimum Ground Floor Area* 720 square feet
 *excludes open porches, garages, or steps
- 2) Minimum Lot Area:
 - a. Single-family dwelling 7,500 square feet
 - b. Two-family dwelling 8,000 square feet
 - c. Multi-family dwelling 1,000 ft² per unit, but not less than a total of 8,000 ft²
- 3) Minimum Lot Width: 66 feet
- 4) Front Yard Setback* 25 feet
 *For corner lots, the front yard setback shall be followed on both fronts
- 5) Side Yard Depth 3 feet
 Rear Yard Depth 25 feet, or 10% of the lot depth, whichever is smaller

7-5: Height Regulations.

No building shall exceed 35 feet in height, unless otherwise provided.

SECTION 8: “C-1” CENTRAL BUSINESS DISTRICT

The Central Business District is to provide for a commercial area to serve the general shopping needs of the trade area and to permit uses which will strengthen the central business area as the center of trade, service, governmental and cultural activities. The following are provisions of the C-2 General Business District:

8-1: Permitted Principal Uses.

Only the following principal uses and structures shall be permitted in the General Business District:

- 1) Administrative, professional, and business offices;
- 2) Automotive equipment services, specifically washing, commercial off-street parking, rentals, automotive sales, equipment sales, repair services, and vehicle storage;
- 3) Commercial recreation or amusements; such as bowling alleys, skating rinks, swimming pools, motion picture facilities, or meeting halls;
- 4) Commercial transportation services;
- 5) Construction material sales yards, if enclosed on all sides by an eight-foot high solid fence;
- 6) Contractor and service industries;
- 7) Convenience storage or warehousing;
- 8) Convenience store;
- 9) Dry cleaning and coin operated laundry facilities;
- 10) Eating and drinking establishment;
- 11) Essential services;
- 12) Existing residences
- 13) Financial services;
- 14) Food sales;
- 15) Frozen food lockers and meat processors;
- 16) Funeral or mortuary services;
- 17) Garden supply stores, nurseries, or greenhouses;
- 18) General carpentry services;
- 19) Hotels or motels, subject to the provisions outlined in Section 13;
- 20) Liquor sales;
- 21) Medical and veterinary offices;
- 22) Personal services, such as barber shops, tailor, driving schools, health or fitness centers, or dance studios;
- 23) Motor fuel stations, subject to the provisions outlined in Section 13;
- 24) Multi-family residential uses, provided that such uses be prohibited from occupying the first or ground floor or basement of any structure;
- 25) Publicly owned and operated buildings and facilities, excluding substations, transfer stations, treatment facilities, pumping stations, storage facilities and regulator stations;
- 26) Retail sales and rental;
- 27) Accessory uses incidental to and on the same zoning lot as the principal use;
- 28) Uses clearly similar in character to those listed above, as determined by the Zoning Board of Adjustment.

8-2: Conditional Uses.

The following may be permitted in the Central Business District (C-1) subject to approval by the Board of Adjustment as provided for in Section 15 of this Ordinance. In granting a conditional use permit, the Board of Adjustment may impose site design or operating limitations on the use as needed to mitigate any potential negative impacts of the development:

- 1) Agricultural sales and services, with special considerations given to those businesses storing and engaged in the sale of limited quantities of pesticides and other hazardous materials
- 2) Churches, chapels, temples and similar places of worship;
- 3) Kennels;

- 4) Pawn shops;
- 5) Substations, transfer stations, treatment facilities, pumping stations, storage facilities and regulator stations;
- 6) Warehouses;
- 7) Uses clearly similar in character to those listed above, as determined by the Zoning Board of Adjustment.

8-3: Bulk Regulations.

The following minimum requirements shall be observed, and will also be subject to the other regulations outlined in this Ordinance. Each lot shall have a minimum lot area of 7,500 square feet.

- 1) Minimum Ground Floor Area None
- 2) Minimum Lot Area: None
- 3) Minimum Lot Width: None
- 4) Front Yard Setback None
- 5) Side Yard Depth None; except when side yard adjoins any “R” district; then minimum side yard depth will be the same as “R” District
- 6) Rear Yard Depth 10 feet, except when rear yard adjoins any “R” district; then minimum rear yard depth will be the same as “R” District

8-4: Height Regulations.

No building shall exceed 35 feet in height, unless otherwise provided.

SECTION 9: “C-2” GENERAL BUSINESS DISTRICT

General Business Districts accommodate a wide range of facilities with a City-wide impact and include much of the commercial frontage along the major transportation arteries. These uses are typically characterized by the need for larger lot sizes and the need to supply their own off street parking. The following are provisions of the C-2 General Business District:

9-1: Permitted Principal Uses.

Only the following principal uses and structures shall be permitted in the General Business District:

- 1) Any use or structure permitted in the principal uses of the C-1 District, outlined in Section 8-1, except as hereinafter modified;
- 2) Gas stations

9-2: Conditional Uses.

The following may be permitted in the General Business District (C-2) subject to approval by the Board of Adjustment as provided for in Section 15 of this Ordinance. In granting a conditional use permit, the Board of Adjustment may impose site design or operating limitations on the use as needed to mitigate any potential negative impacts of the development:

- 1) Building material and product sales excepting “ready-mix concrete”
- 2) Drive-in theaters and other commercial/recreation uses excepting those which would be offensive by virtue of emission of smoke, noise, dust, vibration, or odor;
- 3) Farm implement and machinery sales and service
- 4) Low-density and High-density residential dwellings which shall be required to meet all requirements of residence district;
- 5) Miniature golf courses, golf courses, or driving ranges;
- 6) Mobile home sales;
- 7) Radio and television towers and transmitter or receiver facilities;
- 8) Recycling centers;
- 9) Regional shopping centers;
- 10) Wholesale sales;
- 11) Uses permitted by conditional use permit in the C-1 district;
- 12) Other uses of similar general character as those listed above, as determined by the Zoning Board of Adjustment.

9-3: Bulk Regulations.

The following minimum requirements shall be observed, and will also be subject to the other regulations outlined in this Ordinance. Each lot shall have a minimum lot area of 7,500 square feet.

- | | |
|---|-------------------|
| 1) Minimum Ground Floor Area | None |
| 2) Minimum Lot Area: | 7,500 square feet |
| 3) Minimum Lot Width: | 75 feet |
| 4) Front Yard Setback* | 25 feet |
| *For corner lots, the front yard setback shall be followed on both fronts | |
| 5) Side Yard Depth | 10 feet |
| 6) Rear Yard Depth | 20 feet |

9-4: Height Regulations.

No building shall exceed 35 feet in height, unless otherwise provided.

SECTION 10: “I” INDUSTRIAL DISTRICT

The intent of this District is to provide space for certain commercial and a wide range of industrial uses and structures which are able to meet certain performance standards to protect nearby non-industrial uses from undesirable environmental conditions.

10-1: Permitted Principal Uses.

Only the following principal uses and structures shall be permitted in the General Business District:

- 1) Any use or structure permitted in the principal uses of the C-2 District, outlined in Section 9-1, except as hereinafter modified;
- 2) Any industrial use involving production, processing, cleaning, servicing, manufacturing, repair or storage of materials, goods or products and including wholesaling, warehousing, transportation and communication facilities except those uses listed under conditional, prohibited and outdoor uses in this section; provided, that such industrial use conforms with all of the performance standards set forth in this chapter;
- 3) Any outdoor manufacturing operations, utilization and storage of materials may be conducted outdoors; provided, that such areas are kept neat and in an orderly fashion, or screened from a public right of way;
- 4) The outdoor storage of materials subject to become windborne (such as sand, gravel, coal, sulfur, etc) shall not be permitted within five hundred feet of other districts;
- 5) Essential services;
- 6) Accessory uses incidental to and on the same zoning lot as the principal use;
- 7) Uses clearly similar in character to those listed above, as determined by the Zoning Board of Adjustment.

10-2: Conditional Uses.

The following may be permitted in the General Business District (C-1) subject to approval by the Board of Adjustment as provided for in Section 15 of this Ordinance. In granting a conditional use permit, the Board of Adjustment may impose site design or operating limitations on the use as needed to mitigate any potential negative impacts of the development:

Fertilizer manufacture, storage, or processing;

- 1) Adult entertainment establishments;
- 2) Manufacture, utilization and storage of explosives, hazardous materials, and anhydrous ammonia;
- 3) Reduction or dumping of garbage, offal or dead animals, or sanitary landfill;
- 4) Scrap and salvage services, further subject to the provisions outlined in Section 13-6;
- 5) Stockyards and slaughterhouses;
- 6) Uses requiring buildings or structures in excess of sixty feet in height above grade;
- 7) Business and commercial uses that principally serve industrial needs and activities;
- 8) Radio and television towers and transmitter or receiver facilities;
- 9) Substations, transfer stations, treatment facilities, pumping stations, storage facilities and regulator stations;
- 10) Other uses of similar general character as those listed above, as determined by the Zoning Board of Adjustment.

10-3: Bulk Regulations.

The following minimum requirements shall be observed, and will also be subject to the other regulations outlined in this Ordinance. Each lot shall have a minimum lot area of 7,500 square feet.

- | | |
|---|--------------------|
| 1) Minimum Ground Floor Area | None |
| 2) Minimum Lot Area: | 10,000 square feet |
| 3) Minimum Lot Width: | 75 feet |
| 4) Front Yard Setback* | 25 feet |
| *For corner lots, the front yard setback shall be followed on both fronts | |
| 5) Side Yard Depth | 10 feet |
| 6) Rear Yard Depth | 20 feet |

10-4: Height Regulations.

Any buildings or structures in excess of sixty feet must follow procedure in obtaining a conditional use permit.

SECTION 11: “PUD” PLANNED UNIT DEVELOPMENT

The Planned Unit Development (PUD) district is intended to encourage a more efficient use of land and public services and greater amenity by allowing, under certain circumstance, a more flexible means of land development or redevelopment than is otherwise afforded through the strict enforcement of the zoning requirements of other use districts for lot-by-lot development. Although PUD developments may appear to deviate in certain aspects from a literal interpretation of the zoning and subdivision ordinances, the PUD and its accompanying guidelines are intended to allow freedom of design in order to promote developments which will be an asset to the City by equaling or surpassing the quality of developments resulting from the application of more conventional zoning regulations.

As of the initial draft of this ordinance, there are no designated PUD zones in the City of Keota. This section outlines the procedures for the designation of one in the future.

11-1: Permitted Uses.

Each planned unit development shall be comprised of one or more use types, including residential, commercial, industrial and civic. In each PUD, permitted, accessory and conditional uses shall be specified on the Plan.

11-2: Bulk Regulations.

- 1) **Minimum Lot Size.** The minimum site area for establishment of a PUD district shall be 20,000 square feet.
- 2) **Floor Area Ratio.** The total floor area for residential developments shall not exceed 25% of the area of the lot. The total floor area for all other developments shall not exceed 75% of the area of the lot.

11-3: General Provisions.

- 1) **Ownership.** A tract of land to be developed as a planned unit development shall be under the control of a single owner, or a group of land owners, acting through a corporation, partnership or joint venture where each owner agrees in advance to be bound by the conditions and regulations which will be effective with the district.
- 2) **Plan Preparation.** The applicant is required to have the necessary documents and supporting plans prepared by a registered landscape architect, engineer, architect or certified planner.
- 3) More than one building may be placed in one platted or recorded lot in any PUD.
- 4) No building permit shall be granted for any building on land for which a plan for a PUD is in the process of City review or which does not conform to the approved final plan.
- 5) Occupancy and use of buildings and structures in a PUD may be permitted when the buildings and structures have been completed to the satisfaction of the City, and the access drives and parking areas are sufficiently completed to support emergency vehicles at all times and are kept in a dust free condition. Final surfacing of streets, roadways and parking areas and landscaping may be deferred over winter months upon written application to and approval by the City.

- 6) Approval of the PUD shall not relieve the owner in any way from complying with the City and State regulation which dictate circumstances under which subdivision plats must be approved.
- 7) **Covenants, Easements and Restrictions.** The final plan will contain such proposed covenants, easements and other provisions relating to the bulk, location and density of such residential units, non-residential uses and public facilities as are necessary for the welfare of the PUD and are consistent with the best interests of the City.
- 8) **Streets, Utilities, Services and Public Facilities.** The uniqueness of each proposal for a PUD requires the specifications and standards for streets, utilities and services may be subject to minor modifications from the specifications and standards established in this and other City Ordinances governing their construction. The City Council may, therefore, waive or modify the specifications or standards where it is found that they are not required in the interests of the residents or of the entire City.
- 9) **Open Space.** A primary function of the PUD provision is to encourage development which will preserve and enhance the natural characteristics of a site, while allowing adequate intensity of development. In evaluating a PUD proposal, this objective will be a basic consideration in granting approval or denial.
- 10) Architectural style of buildings shall not solely be a basis for denial of approval of a plan. However, the overall appearance and compatibility of individual building to other site elements or to surrounding development will be primary consideration in the review process.
- 11) The Planning Commission shall review each PUD at least once a year until the development has been completed and shall make a report to the City Council on the status of the development in each PUD district. The status shall be reported to the City Council. If the City Council finds that insufficient progress is made toward completion of a 24 month period following notification to the owner of to such insufficient progress, the property shall automatically revert to the zoning district existing on the property immediately prior to PUD zoning approval.

11-4: Approval Procedure

The following procedures and requirements shall be met for the establishment of a PUD district:

- 1) **Pre-Application Conference.** Prior to filing an application for preliminary PUD plan approval, the applicant shall submit a concept plan and review it with the Planning Commission. This plan shall show the generalized overall plan for development of the proposed PUD area.
- 2) **Preliminary Plan Approval.** Following review of the concept plan, the applicant shall submit an application for preliminary plan approval to the City. Such application shall be deemed a petition for rezoning to a PUD classification. A fee in the amount established by the City, in addition to the following information, drawings and data, shall accompany the application:
 - a. The location, size and legal description of the site.
 - b. The nature of the developer's and landowner's interests in the land proposed to be developed.
 - c. The total number of living units and the overall density of the project defined as the number of living units per acre.
 - d. The location and boundaries of proposed land uses, if more than one is proposed.
 - e. Approximate height and location of buildings and other structures.

- f. Form of organization proposed to own and maintain public or private open space
- g. Preliminary layout to of the proposed systems for the collection and treatment of sanitary wastes and disposition of storm water.
- h. Proposed source and distribution of water facilities.
- i. The substance of covenants, easements or other restrictions proposed to be imposed upon the use of the land, buildings and structures, including proposed easements for utilities.
- j. The provisions for parking of motor vehicles, including the total number and location of public and private parking spaces.
- k. The location and width of proposed public and private streets and thoroughfares.
- l. A schedule showing the proposed phasing and time limitations within which applications for final approval of all phases and construction of improvements within phases of the PUD are intended to be filed.
- m. Generalized preliminary grading plan, but not to include detailed final grades or elevations.
- n. Generalized landscaping plan, but not to include detailed planting list of planting plan.
- o. Generalized exterior building elevations or facades.
- p. All maps and diagrams shall be of sufficient scale and size to permit easy interpretation.
- q. North arrow and graphic scale shall be provided with all maps or sketches.

The Planning and Zoning Commission shall hold a public hearing, following the public notice procedures of zoning change requests, and shall make recommendation to the City Council upon the application for preliminary approval within 60 days following receipt of all required plans and documentation. The City Council shall take final action on the preliminary plan within a reasonable time following receipt of the Planning Commission's recommendations.

If the preliminary plan is approved, such approval shall constitute a rezoning of the property as designated on the plan and the applicant shall proceed to final plan approval. If the application for preliminary plan is denied, the applicant must submit another application and fee to receive consideration.

- 3) Final Plan Approval.** Within one year following City Council approval of the preliminary plan, an application for final plan approval shall be submitted to the City. Such final plan shall include either the entire site included in the preliminary plan or a portion thereof in accordance with the phasing plan approved. Subsequent final plan submittals shall be submitted in accordance with the approved phasing plan. A fee in the amount established by the City, in addition to the following information shall accompany each application.
- a. A plan with locations of all structures including placement, size and type with topography showing two foot contour intervals.
 - b. Elevations or sections through the site which will best indicate the relationship of the building with the various terrain features and site elements.
 - c. Detailed grading and drainage plan at two foot contour intervals.
 - d. Utility plan for all public utilities.
 - e. Detailed landscape plan.
 - f. Deed restrictions, covenants, agreements, by-laws of proposed homeowner's association and other documents controlling the use of property, type of construction or development or the activities of future residents.
 - g. The procedure for approving and recording the plats shall be followed if the final plan involves platting or division of land or the platting of public streets.

- h. Any other information which is necessary to fully represent the intentions of the preliminary plan.

The Planning and Zoning Commission shall consider the final plan and make recommendation to the City Council within 60 days following submission of the required material. The City Council shall make its consideration and determination within a reasonable time following receipt of the Planning Commission's recommendation. In granting final approval of the application, the Planning and Zoning Commission and the City Council shall determine whether the PUD district regulations and standards, and compliance with the approved preliminary plans, have been satisfied based on the final plans.

- 4) **Changes.** Changes in the final plan involving the location and alignment of structures not to exceed ten (10) feet in any direction and other minor revisions in the shape of structures may be authorized by the City for good cause shown provided the changes are within the maximum allowable floor area limits, are in harmony with the intent of the approved plans as to uses and densities of use and the architectural style has been approved in writing by the PUD's homeowner association or other ownership body. All other changes shall be made only after following the approval procedures provided for in this section.

SECTION 12: OTHER AREA & HEIGHT REGULATIONS

The regulations set forth in this section qualify, supplement or modify the area and height regulations set forth elsewhere in this Ordinance.

12-1: Lot Area and Width

Any lot of record at the time of passage of this Ordinance having less area or width than herein required may be used for a single family dwelling where such uses are permitted as provided in this Ordinance.

12-2: Yards

- 1) Where thirty (30) percent or more of the block front is improved with buildings, then no part of any new building shall project beyond a line joining the two adjacent corners of the buildings on either side thereof, or, where there is a building on only one side, beyond a line projected from the corresponding adjacent corners of the two nearest buildings, except that no building shall be required to provide a front yard greater than forty (40) feet. Where an official line has been established for future widening or opening of a street upon which a lot abuts, then the depth of a front or side yard shall be measured from such official line;
- 2) In the case where the block front improved with buildings amounts to less than thirty (30) percent of the total number of lots, including vacant lots, on one side of the street between two intersecting streets, the required minimum yards of the district shall be observed;
- 3) Buildings on through lots shall provide the required front yard on both streets;
- 4) On a corner lot in any district, except the Central Business District (CB), no fence, wall, hedge, tree, or other planting or structure that will obstruct vision between a height of three (3) feet and ten (10) feet above the ground shall be erected, placed or maintained within the triangular area formed, by connecting the right-of-way lines at points which are twenty (20) feet distant from the intersection of the right-of-way lines, and measured along the right-of-way lines;
- 5) The ordinary projections from buildings including eaves, sills, cornices, or similar architectural features (but not including decks, carports, or other structures) may project or extend not more than three (3) feet into a required yard. Patios may extend into required yards. Steps or access ramps may extend into a required yard to the extent necessary to provide sufficient access to a structure. No accessory building shall project into the required front yard or side yard adjacent to any street.

12-3: Hedges and Fences

- 1) Fences or Hedges in residential districts shall not exceed four (4) feet in height in any required front yard, and shall not exceed six (6) feet in height in any required side or rear yard. Fences in excess of six (6) feet will be allowed in the cases of tennis courts and swimming pools.
- 2) All fences must be erected with the finished side facing the adjoining properties.
- 3) Fence posts shall be of an approved material and shall be embedded into tamped earth or concrete, to a depth that would assure its structural stability.
- 4) Security or screening fences are permitted in all districts except residential districts, but shall not exceed ten (10) feet in height.

12-4: All Buildings to Have Access from a Public Street

Every principal use building hereafter erected or structurally altered, shall be on a lot or parcel having frontage on a public street or road of not less than fifty (50) feet except in the Central Business District.

12-5: Use of Public Right-of-Way

No portion of the public road, street or alley right-of-way shall be used, or occupied by an abutting use of land or structure for storage or display purposes, or to provide any parking or loading space required by this Ordinance.

12-6: Temporary Building

Temporary building(s) with construction work may be permitted in any district during the period that the construction work is in progress, but such temporary building(s) shall be removed within thirty days after completion or abandonment of the construction work.

12-7: Accessory Buildings and Structures

Accessory buildings, structures, and uses customarily incidental to that of the main building may be erected or established as permitted, provided they comply with the following:

- 1) No accessory building or structure shall be located within three (3) feet of any side or rear lot line;
- 2) No accessory building or structure is permitted within the limits of the front yard;
- 3) No accessory building or structure shall be used for dwelling purposes;
- 4) An open unenclosed uncovered steps, ground level patio, or concrete slab driveway may project into a required yard;
- 5) No accessory building or structure shall be erected within a required lot line easement.
- 6) No accessory building or structure in any district shall be erected within five (5') feet of any principal building on the same lot or adjacent lots, and shall not occupy more than thirty (30%) percent of the rear yard in a residential district;
- 7) All accessory buildings and structures will be securely anchored to the ground.

12-8: Building Height

The height regulations shall not apply to television and radio towers, church spires, belfries, monuments, farm buildings, tanks, water and fire towers, stage towers or scenery lofts, cooling towers, grain elevators, ornamental towers and spires, chimneys, elevator bulkheads, drilling rigs, conveyors, flagpoles and other pertinent mechanical apparatus which may be erected to any height not in conflict with any other applicable regulations.

SECTION 13: SPECIAL PROVISIONS

13-1: Off-Street Parking and Loading Spaces.

- 1) **Off-Street Loading.** In all districts, in connection with every building or part thereof hereafter erected, having a gross floor area of 2,500 square feet or more, which is to be occupied by uses requiring the receipt or distribution by vehicles of materials or merchandise, there shall be provided and maintained on the same premises with such building at least one off-street loading space accessible from an alley, easement of access, or, when there is no such alley or easement of access, from a street plus one additional such loading space for each 10,000 square feet or major fraction thereof of gross floor area so used in excess of 15,000 square feet. Such space may occupy all, or any part of a required rear yard, or, with authorization of the Board of Adjustment, part of any other yard or court space on the same premises.
- 2) **Off-Street Parking.** In all districts, off-street accessory parking areas, in the open or in a garage, shall be provided in connection with the uses set forth hereinafter and to the extent indicated therewith, in addition to the above required loading and unloading spaces. Such areas, in the case of "R" Districts and for dwellings in other districts, shall be on the premises intended to be served; and in the case of "I" Districts, premises intended to be served or on adjoining or nearby property within 100 feet of any part of said premises and in the same or less restricted district.
- 3) **Number of Parking Spaces Required.**
 - a. Single Family Residential: 2 spaces
 - b. Duplex Residential: 2 spaces per dwelling unit
 - c. Multi- Family Residential: 2 spaces per dwelling unit
 - d. Condominium Residential: 2 spaces per dwelling unit
 - e. Townhouse Residential: 2 spaces per dwelling unit
 - f. Mobile Home Residential: 2 space per mobile home
 - g. Hotel / Motel: 1 space per room
 - h. Resorts: 1 space per rental unit or room
 - i. Hospital 1 space for each four hospital beds, plus 1 space for each two employees on the major shift
 - j. Public Assembly: 1 space for each four seats
 - k. Bowling Alleys: 5 spaces per lane
 - l. General Retail Sales and Professional Offices: 1 space per 300 feet of gross floor area
 - m. Restaurants: 1 space for each four seats, plus 1 space for each two employees
 - n. Cocktail Lounges: 1 space for each two seats
 - o. Primary Educational Facility: 2 spaces per classroom or 1 space for every four seats in the largest facility for public assembly, whichever is greater
 - p. Secondary Education Facility 1 space per classroom or 1 space for every six seats in the largest facility for public assembly, whichever is greater
 - q. Industry: 1 space for every two employees on the largest shift
 - r. Convalescent Services: 1 space for each eight beds, plus 1 space for each 3 employees on the largest shift

s. Group Residential: 1 space for each two bedrooms

- 4) **Units of Measurement.** The following shall apply as the unit of measurement for parking spaces:
- a. **Parking Space.** Each parking space rectangular in shape shall not be less than 8 1/2 feet wide and 20 feet long, or not less than 170 square feet in area exclusive of access drives or aisles.
 - b. **Loading Space.** Each loading space shall not be less than 10 feet wide, 40 feet in length and 14 feet in height, exclusive of access and turning area.
 - c. **Floor Area.** In the case of merchandising or service types of uses, "floor area" shall mean the gross floor area used or intended to be used by tenants, or for service to the public as customers, patrons or clients, but shall not include areas used principally for non-public purposes, such as toilet or rest rooms, utilities, or dressing rooms.
 - d. **Benches in Place of Public Assembly.** In stadiums, sports arenas, churches and other places of public assembly in which patrons or spectators occupy benches, pews, or other similar seating facilities, each 20 inches of such seating facilities shall be counted as one seat for the purposes of determining requirements for off-street parking facilities under this ordinance.
- 5) **Development Standards.** Off-street accessory parking areas shall be of usable shape, and shall be improved, in accordance with requirements of the Zoning Administrator, with a durable and dustless surface and so graded and drained as to dispose of all surface water accumulation within the area. Any lighting used to illuminate such parking areas shall be so arranged as to reflect the light away from adjoining premises in an "R" District.
- 6) **Exceptions.** The following exceptions to parking spaces are permitted:
- a. The Board of Adjustment may authorize on appeal a modification, reduction, or waiver of the foregoing requirements, if it should find that in the particular case the peculiar nature of the use, or other exceptional situation or conditions would justify such modifications, reduction or waiver.
 - b. The Planning and Zoning Commission, in consultation with other city departments and agencies concerned, shall make studies as found advisable of various areas in the city for the purpose of determining the areas within which there is need for the establishment of off-street parking facilities to the City Council. This report shall include recommendations on the type, size, location and other pertinent features of the proposed off-street parking facilities and the area they are intended to serve.

13-2: Designated Flood Hazard and Wetland Areas.

All buildings and land within a designated flood hazard area (or 100-year floodplain), or wetland as defined by the National Wetland Inventory shall be limited to the following uses:

- 1) The growing of agricultural crops and nursery stock gardening.
- 2) The keeping of agricultural livestock in accordance with the municipal ordinance relating thereto.
- 3) Public Recreation
- 4) No building shall be erected, converted, or enlarged on any parcel of land without the approval of the Zoning Board of Adjustment.

13-3: Garages, Motor Fuel Stations, and Car Washes.

- 1) No building, structure or premises shall be used, erected or altered which is intended or designed to be used as a public garage, automobile repair shop, motor fuel station, or car wash having an entrance or exit for vehicles in the same block-front and within 200 feet of any school, public playground, church, hospital, public library or institution for dependents or for children, and no such entrance or exit shall be located within the same block-front and within 20 feet of any "R" District; nor shall any part of such public garage, automobile repair shop, motor fuel station, or car wash be located within 100 feet of any building or grounds of any of the aforesaid public or institutional uses.
- 2) All activities incidental to the sale of gasoline or oil such as battery and tire repair, car washing and greasing shall be conducted within the building and there shall be no storage or accumulation of miscellaneous equipment, machinery or motor vehicles, disabled or otherwise, outside of the principal structure.
- 3) No above ground storage for volatile or explosive fuels will be permitted.

13-4: Trailers, Recreational Vehicles and Tents.

- 1) The parking of a trailer or recreational vehicle, or erections of a tent in any district, except in an approved trailer park or camp ground, for 48 hours or longer shall be prohibited, except for small utility trailers and except that a camping, utility or boat trailer, with or without boat, may be stored in rear yards, provided that no living quarters shall be maintained or any business conducted in connection therewith while such trailer is parked or stored.
- 2) In any district, the wheels of any trailer or recreational vehicle shall not be removed except for repairs, nor shall such trailer be otherwise permanently fixed to the ground by any person, firm or corporation in a manner that would prevent ready removal of said trailer.

13-5: Hotels or Motels

- 1) No vehicular entrance to or exit from any hotel or motel wherever such may be located shall be within 200 feet along streets from any school, public playground, church, hospital, library or institution for dependents or for children, except where such property is in another block or on another street, which the premises in question do not abut.
- 2) The following regulations shall be complied with:
 - a. Any lot to be used for a motel or motel shall be not less than 15,000 square feet in area and shall contain not less than 1,000 square feet of lot area per sleeping unit. All buildings and structures on the lot shall occupy in the aggregate not more than 25% of the area of the lot.
 - b. All areas used for automobile access parking shall comply with the provisions of off-street parking areas and loading spaces under Section 13-1.
 - c. All areas not used for access, parking, circulation, buildings and services shall be completely landscaped and the entire site maintained in good condition.
 - d. No enlargements or extensions to any motel shall be permitted unless the existing one is made to conform substantially with all the requirements for new construction for such an establishment.

13-6: Salvage Yards.

All salvage yards, including any area where waste, junk, discarded or wrecked and salvaged materials are bought, sold, stored, exchanged, baled or packed, disassembled or handled, including

dismantling or "wrecking" of automobiles or machinery or other vehicles, shall be located in the Agricultural District and the Industrial District, and may only operate through the issuance of a conditional use permit.

The application for a conditional use permit shall be accompanied with a proposed intent or covenant to meet the minimum requirements described herein:

- 1) The yards shall be at least five hundred (500) feet distant in all directions from any residential building;
- 2) The out-of-doors yards shall be screened by a solid wall or uniformly painted solid fence not less than eight (8) feet in height;
- 3) An off-street parking or service area in connection with the yards may be located outside of the screened-in area.

SECTION 14: SIGN REGULATIONS

14-1: Standard of Measurement.

- 1) The total area of all signs permitted on a lot shall include:
 - a. The total area of the faces visible from a public way of all permanent exterior signs, plus;
 - b. The area of permanent signs placed upon the surface of windows and doors, plus;
 - c. The area within the outline enclosing the lettering, modeling or insignia of signs integral with the wall and not designed as a panel.
- 2) A building or use having frontage on a second street may include 20% of the length of the lot facing the second street.

14-2: Signs Permitted in the “A-1” District.

- 1) Signs not exceeding four square feet in area indicating the type of plant being grown or the type of fertilizer being used.
- 2) Signs not exceeding 20 square feet in area pertaining to a permitted recreation use or areas of scenic beauty provided such signs shall be set back at least 10 feet from any right-of-way and there shall be a distance of 300 feet between any such signs.
- 3) Signs accessory to roadside stands shall be limited to two signs per lot with no sign being larger than ten square feet in area and set back at least ten feet from the right-of-way of a street, highway or road.
- 4) Real estate signs of a temporary nature, not exceeding two in number per lot nor larger than 12 square feet, set back 4 feet from the right-of-way of any highway, street or road.
- 5) Small announcement or professional signs, not over six square feet in area, except that an announcement sign or bulletin board not over 18 square feet in area set back at least 4 feet from the right-of-way of any highway, street or road, may be erected in connection with any of the permitted principal uses of non-residential nature.
- 6) No billboard, signboard or similar advertising signs shall be located at intersections so as to obstruct vision, hearing, or interfere with pedestrian or vehicular safety.

14-3: Signs Permitted in All “R” Districts.

- 1) Real estate signs of a temporary nature, not exceeding two in number per lot nor larger than six square feet set back 5 feet from the right-of-way of any highway, street or road.
- 2) A sign or signs flat against a building appertaining to a non-conforming use on the premises, not exceeding in the aggregate of 50 square feet in area except as may be authorized by the Board of Adjustment.
- 3) Small announcement sign or bulletin board not over 18 square feet in area, with a set back at least 20 feet from the right-of-way of any highway, street or road, may be erected in connection with any of the permitted principal uses of non-residential nature.
- 4) One nameplate not exceeding four square feet for each dwelling.

14-4: Signs Permitted in the “C-1” District

- 1) Signs as permitted and regulated for all residential in Section 14-3, except as hereinafter modified.
- 2) The total area of all signs permitted on any one lot shall not exceed two times the number of linear feet the lot abuts on the street.
- 3) Projecting signs at least eight feet above the sidewalk and extending no further than five feet from the building to which it is attached.

14-5: Signs Permitted in the "C-2" District

- 1) Signs as permitted and regulated in the "C-1" Districts in Section 14-4, except as hereinafter modified.
- 2) Billboard and signboards subject to the same height and location requirements as other structures in the "C-1" District and also subject to the following conditions and restrictions:
 - a. No billboard, signboard or similar advertising signs shall be located at intersections so as to obstruct vision, hearing, or interfere with pedestrian or vehicular safety.
 - b. No billboard, signboard or similar advertising signs shall be located within 40 feet of any lot in an "R-1" District.
 - c. No billboard or signboard shall exceed 300 square feet in area.
 - d. No billboard, signboard or similar advertising signs shall be so constructed or located where it will unreasonably interfere with the use and enjoyment of adjoining property.
- 3) Elevated signs at least five feet from any lot line.
- 4) Projecting signs at least eight feet above the sidewalk and extending no further than five feet from the building to which it is attached.

14-6: Signs Permitted in the I-1 District.

Signs as permitted and regulated in the "C-2" District of Section 14-5.

14-7: Conditional Uses.

Any sign type may be granted conditional status after review by the Board of Adjustment and subject to any conditions deemed by the Board to be appropriate.

SECTION 15: ADMINISTRATIVE PROCEDURES

No land shall be occupied or used, and no building hereafter erected or structurally altered shall be occupied or used in whole or in part for any purpose whatsoever, until a permit is issued by the Zoning Administrative Officer, stating that the building and use comply with the provisions of this Ordinance.

No change of use shall be made in any building or part thereof, now or hereafter erected or structurally altered, without a permit being issued therefore by the Zoning Administrative Officer. No permit shall be issued to make a change unless the changes are in conformity with provisions of this Ordinance.

15-1: Zoning Administrator

- 1) **Appointment of the Zoning Administrator.** The City Council of Keota, Iowa, shall appoint a Zoning Administrator, and it shall be the duty of said officer to enforce this Ordinance. Such officer may be a person holding other appointive office in the City, or in another governmental agency.
- 2) **Duties.** The Zoning Administrator is responsible for the enforcement of the Ordinance. The duties of the Zoning Administrator shall be as follows:
 - a. To assist property owners, developers, and citizens in determining what zoning provisions apply to their requested action, and provide guidance in completing an application for permit.
 - b. To receive and review all applications for permits to determine compliance with the Ordinance, and take action as required.
 - c. To advise applicants of possible alternative courses of action if a proposal is not in compliance with the Ordinance.
 - d. To prepare reports and findings of fact to the planning commission and common council as required. Permits and certificates requiring a conditional use permit shall be referred to the Planning and Zoning Commission. Permits for a variance shall be referred to the Zoning Board of Adjustment for action thereon, and shall be issued only upon order of the Zoning Board of Adjustment.
 - e. To issue permits when all requirements of the Ordinance are met.
 - f. To perform inspections during construction activities to determine that development complies with what was proposed and the terms of the Ordinance.
 - g. To issue, stop, cease and desist order requiring correction of all conditions found to be in violation of the provisions of this Ordinance
 - h. To make the interpretations of the provisions of this Ordinance subject to the review of the Zoning Board of Adjustment.
 - i. To keep accurate records pertaining to actions necessary to carry out the duties in this ordinance. These records shall be on file for public inspection.

15-2: Permit Applications & Subdivision Site Plan Review.

The site plan review procedure is designed to ensure that the design and location of proposed developments will be in conformance with the zoning standards of this Ordinance and in harmony

with existing and future business in the City, including generally accepted principles of commercial, industrial and urban design.

- 1) All applications for a building permit shall be filed with the Zoning Administrator, along with applicable application fees, accompanied by a site plan, drawn to scale, showing the actual dimensions of the lot to be built upon, the size, shape and location of the building to be erected, the dimensions of the required yards, parking, and other such information as may be necessary to provide for the enforcement of this Ordinance.
- 2) The zoning administrator shall review the site plan for compliance with this Ordinance, other Ordinances of the City, the proposed zone the development is to be located in, and its effect upon public utilities and the public street system.
- 3) **Subdivisions of Parcels.** Any developments proposing a subdivisions or re-subdivisions of land are subject to additional review by the Planning and Zoning Commission and approval by the City Council.
 - a. The Zoning Administrator shall forward a copy of the site plan to each member of the Commission, and will then present his/her findings as soon as possible to the Commission.
 - b. The Commission is responsible for review of the site plan and shall consider the location of the buildings on the site with respect to vehicular and pedestrian traffic to and from the buildings, traffic between the site and abutting streets, suitable layout and adequate provisions for off-street parking and loading, with due consideration given to any other design features which may affect the surrounding land uses in a detrimental way.
 - c. The Planning and Zoning Commission shall, after receiving the report of the Zoning Administrator, review the site plan for conformity with the Ordinance, and may confer with the developer on changes deemed advisable in such site plan.
 - d. The Commission shall report its determinations and recommendations to the Council within forty-five (45) 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 hold a public hearing as provided in Section 362.3 of the Code of Iowa, except that at least seven (7) days notice must be given and in no case shall the public hearing be held earlier than the next regularly scheduled City Council meeting following the published notice.
- 4) Upon approval, one (1) copy the filed application and plans shall be returned to the applicant when such plans shall have been approved, together with such building permit. The lot and the location of the building hereon, shall be staked out on the ground before construction is started.
- 5) If the Zoning Administrator finds that any construction or proposed construction or occupancy of a development on a tract of land for which a site plan has been approved will not substantially comply with the site plan as approved, or if he finds that the construction and development of the tract is not being carried out in accordance with the development schedule filed with the site plan, he shall suspend all building permits for the development and order all construction stopped until such time as the owner of the project, or his successors in interest, shall have provided him with proof satisfactory to him that the site plan will be complied with. The zoning administrator shall not issue a certificate of compliance for any structure within the development while the building permit for the development has been suspended pursuant to this subsection. Any person aggrieved by any decision or action of the Zoning Administrator under this subsection may appeal such action or decision to the Zoning Board of Adjustment.
- 6) If developer of a previously approved application wishes to amend the development or the time frame for completion, the Zoning Administrator may approve a modification of a previously approved application if it is determined that the modification would provide for a more appropriate development of the site.

15-3: Amendments to Zoning Ordinance

- 1) **Procedures.** This Ordinance and the district map created by said Ordinance may be amended from time to time. However, no amendment shall become effective unless it has been proposed by or has been first submitted to the Planning and Zoning Commission for review and recommendation. The Planning and Zoning Commission shall have forty-five (45) days in which to submit its report to the City Council. If the Commission fails to submit a report within the forty-five (45) day period, it shall be deemed to have approved the proposed amendment.

A public hearing shall be held by the City Council before adoption of any proposed amendment to this Ordinance. A notice of such public hearing shall be published not less than fifteen (15) days prior to the date established for such hearing. Such notice shall include the time and place for the public hearing.

In case the Planning and Zoning Commission does not approve the change, or in a case of a protest filed with the City Council against a change in district boundaries signed by the owners of twenty (20) percent or more either of the area of the lots included in such proposed change, or of those immediately adjacent thereto and within two hundred (200) feet of the boundaries thereof, such amendment shall not be passed except by the favorable vote of three-fourths (3/4) of all the members of the City Council.

2) Application for Change in the Zoning District Boundary

- a. Each application shall be filed with the City Clerk accompanied by a fee in the amount established by the City Council and shall contain the following information:
 - i. The legal description and local address of the property.
 - ii. The present zoning classification and the zoning classification requested for the property.
 - iii. The existing use and proposed use of the property.
 - iv. The names and addresses of the owners of all property within two-hundred (200) feet of the property for which the change is requested.
 - v. A statement of the reasons why the applicant feels the present zoning classification is no longer appropriate.
 - vi. A plat showing existing and proposed locations, dimensions and use of the applicant's property and all property within two-hundred (200) feet thereof, including streets, alleys, railroads, and other physical features.
- b. All fees shall be deposited to the general revenue fund of the City. Failure to approve the requested change shall not be deemed cause to refund the fee to the applicant.
- c. Upon receipt of the application by the City Clerk, a notice of the proposed rezoning and hearing dates shall be mailed to each property owner within 200 feet, and 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:
 - i. Whether or not the current district classification of the property to be rezoned is valid;
 - ii. Whether there is a need for additional land zoned for the purpose requested;
 - iii. Whether the proposed change is consistent with the future land use plan, considering such factors as:

1. Whether the rezoning would result in a population density or development which would in turn cause demand for services and utilities in excess of the capacity planned for the area;
 2. Whether the rezoning would result in the generating of traffic in excess of the capacity of existing or planned streets in the vicinity.
- iv. Whether there is an intent on the part of the applicant to develop the property to be rezoned diligently and within a reasonable time.
- d. The Commission shall report its determinations and recommendations to the Council within forty-five (45) 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 hold a public hearing as provided in Section 362.3 of the Code of Iowa, except that at least seven (7) days notice must be given and in no case shall the public hearing be held earlier than the next regularly scheduled City Council meeting following the published notice.

15-4: Procedure for Variances and Conditional Uses

A variance or conditional use permit may be issued by the Administrative Officer after review by order of the Board of Adjustment, following provisions outlined in Section 17 of this Ordinance. Upon filing with the city clerk or Zoning Administrator an application, the Board shall fix a reasonable time (not more than sixty (60) days from the filing date) for a public hearing. A public notice shall be published in the official newspaper of the city, specifying the date, time and place of the hearing and the matters to come before the board. Notices shall also be mailed to all property owners of parcels within two-hundred (200) feet of the parcel in question and any other parties of interest as determined by the Zoning Board of Adjustment. The board shall consider the information presented at the hearing and any other information it deems relevant to the appeal in rendering its decision. The City Council retains the right to review and overrule the decisions of the Zoning Board of Adjustments. In such an instance, recommendations would be given to the Zoning Board of Adjustments for modification.

15-5: Violations and Penalties

- 1) **Types of Violation.** Any of the following shall be a violation of this Ordinance and shall be subject to the enforcement remedies and penalties provided by this Ordinance and by Iowa law:
 - a. **Without Permits:** To engage in any development, use, construction, remodeling, or other activity of any nature that is subject to the provisions of this Ordinance without all of the required permits, approvals, certificates and other forms of authorization required by this Ordinance in order to conduct or engage in such activity.
 - b. **Inconsistent with Permit:** To engage in any development, use, construction, remodeling, or other activity of any nature in any way inconsistent with the terms, conditions, or qualifications of any permit, approval, certificate, or other form of authorization required in order to engage in such activity.
 - c. **Inconsistent with Ordinance:** To erect, construct, reconstruct, remodel, alter, maintain, move, or use any building, structure, or sign, or to use any land in violation or contravention of any regulation of this Ordinance.
 - d. **Making Lot or Setback Non-complying:** To reduce or diminish any lot area so that the setbacks or open spaces shall be smaller than prescribed by this Ordinance.
 - e. **Increasing Intensity of Use:** To increase the intensity of use of land or structure, except in accordance with the procedural and substantive requirements of this Ordinance.

- f. **Removing, Defacing, Obscuring Notice:** To remove, deface, obscure, or otherwise interfere with any notice required by this Ordinance.
 - g. **Continuing Violation:** To continue any of the above violations.
- 2) **Remedies.** The City shall have the following remedies and enforcement powers, which shall be cumulative and are not exclusive of any other remedy available at law or in equity.
- a. **Withhold Permits:** The City may deny or withhold all permits, certificates, or other forms of authorization on any land, structure, or improvements thereon upon which there is an uncorrected violation of a provision of this Ordinance or of a condition or qualification of a permit, certificate, approval, or other authorization previously granted by the City, the Planning and Zoning Commission, or the Zoning Board of Adjustment. The City may, instead of withholding or denying an authorization, grant such authorization subject to the condition that the violation be corrected. The provisions of this section shall apply regardless of whether the current owner or applicant is responsible for the violation in question.
 - b. **Revoke Permits:** Any permit may be revoked when the Zoning Administrative Officer determines that any of the following conditions exist:
 - i. That there is departure from the plans, specifications, or conditions that apply to the permit;
 - ii. That the same was procured by false representation or was issued by mistake; or
 - iii. That any of the provisions of this Ordinance are being violated. Written notice of such revocation shall be served upon the owner, his or her agent, or contractor, or upon any person employed on the building or structure for which such permit was issued, or shall be posted in a prominent location; and, thereafter, no construction shall proceed.
 - c. **Stop Work:** With or without revoking permits, the City may stop work on any building or structure on any land on which there is an uncorrected violation of a provision of this Ordinance or of a permit or other form of authorization issued hereunder, in accordance with its power to stop work under the City Zoning Code.
 - d. **Revoke Plan or Other Approvals:** Where the violation involves a failure to comply with approved plans or conditions to which the approval was made subject, the body with authority to approve the plans or applications may, upon notice to the applicant and after a hearing, revoke the plan or other approval, or condition the continuance of approval on such conditions as may reasonably be imposed.
 - e. **Injunctive Relief:** The City may seek an injunction or other equitable relief in court to stop any violation of this Ordinance, pursuant to Iowa Code 414.20.
 - f. **Abatement:** The City may abate any violation of this Ordinance pursuant to with the Keota Code.
 - g. **Civil Penalties:** A violation of any provision of this zoning Ordinance shall be a municipal infraction punishable in accordance with the Keota Code.
 - h. **Criminal Penalties:** A violation of any provision of this Ordinance shall constitute a misdemeanor. 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, upon conviction shall be subject to a fine of not more than five-hundred dollars (\$500) or imprisonment of not more than thirty (30) days for each offense. Each day that a violation is permitted to exist constitutes a separate offense.
 - i. **Other Remedies:** The City shall have such other remedies as are and as may be from time to time prescribed by Iowa law.

SECTION 16: PLANNING AND ZONING COMMISSION

A Board of Adjustment consisting of five members which are appointed by the City Council, who shall not hold any elective office in the City government.

16-1: Planning and Zoning Commission Appointments

Members of a five-member commission shall be appointed by the City Council for a term of five years, except that when the board shall first be created one member shall be appointed for a term of five years, one for a term of four years, one for a term of three years, one for a term of two years, and one for a term of one year.

16-2: Vacancies.

If any vacancy shall exist on the commission caused by resignation, or otherwise, a successor for the residue of said term shall be appointed in the same manner as the original appointee. Vacancies shall be filled by the City Council for the unexpired term of the member. The City Council may remove any member of the Planning and Zoning Commission for cause upon written charges and after public hearing.

16-3: Compensation

All members of the commission shall serve without compensation, except their actual expenses, which shall be subject to the approval of the Council.

16-4: Organization

The commission shall elect its own officers and should adopt rules and regulations for its own governance, not inconsistent with law or with the provisions of the Zoning Ordinance or any other Ordinances of the city. Meetings shall be held at the call of the Chairperson and at such other times as the commission may determine. All meetings shall be open to the public. All meetings shall be open to the public.

The City Clerk or Board secretary shall take minutes for the Zoning Board of Adjustments. Minutes of its proceedings shall show the vote of each member upon each question, or if absent or failing to vote indicating such fact, and shall keep records of its examination and other official actions, all of which shall be a public record and be immediately filed at City Hall. The presence of three (3) members shall constitute a quorum, and all actions must receive a majority vote of those members present.

16-5: Powers and Duties

The commission shall have and exercise the following powers and duties:

- 1) **Selection of officers.** The commission shall choose annually at its first regular meeting one of its members to act as chairman and another as vice-chairman, who shall perform all the duties of the chairman during the chairman's absence or disability.
- 2) **Adopt Rules and Regulations.** The commission shall adopt such rules and regulations governing its organization and procedure as it may deem necessary.

- 3) **Annual Report.** The commission shall each year make a report to the Mayor and Council of its proceedings, with a full statement of its receipts, disbursements and the progress of its work during the preceding fiscal year.
- 4) **Appointment of Assistants.** Subject to the limitations contained in this section as to the expenditure of funds, the commission may appoint such assistants as it may deem necessary and prescribe and define their respective duties and fix and regulate the compensation to be paid to the several persons employed by it.
- 5) **Comprehensive Plan.** The commission shall have full power and authority to make or cause to be made such surveys, studies, maps, plans, or charts of the whole or any portion of the City or of any land outside thereof, which in the opinion of the commission bears relation to the comprehensive plan and shall bring to the attention of the Council and may publish its studies and recommendations.
- 6) **Comprehensive Plan: Preparation.** For the purpose of making a comprehensive plan for the physical development of the City, the commission shall make careful and comprehensive studies of present conditions and future growth of the City and with due regard to its relation to neighboring territory. The plan shall be made with the general purpose of guiding and accomplishing a coordinated, adjusted and harmonious development of the City and its environs which will, in accordance with the present and future needs, best promote health, safety, morals, order, convenience, prosperity, and general welfare, as well as efficiency and economy in the process of development.
- 7) **Comprehensive Plan: Public Hearing.** Before adopting a comprehensive plan as referred to in the preceding paragraph, or any part of it, or any substantial amendment thereof, the commission shall hold at least one public hearing thereon, notice of the time of which shall be given by one publication in a newspaper of general circulation in the City not less than 4 days or more than 20 days before the date of hearing. However, in no case shall the public hearing be held earlier than the next regularly scheduled Council meeting following the published notice. The adoption of the plan or part or amendment thereof shall be by resolution of the Commission carried by the affirmative vote of not less than two-thirds (2/3) of the members of the Commission. After adoption of said plan by the Commission an attested copy thereof shall be certified to the Council and the Council may approve the same. When said plan or any modification or amendment thereof shall receive the approval of the Council, the said plan until subsequently modified or amended as herein authorized shall constitute the official City plan.
- 8) **Comprehensive Plan: Amendments.** When the comprehensive plan has been adopted, no substantial amendment or modification thereof shall be made without such proposed change first being referred to the commission for its recommendations. If the commission disapproves the proposed change it may be adopted by the Council only by the affirmative vote of at least three-fourths (3/4) of the members of the Council.
- 9) **Recommendations of Improvements.** No statutory, memorial or work of art in a public place, and no public building, bridge, viaduct, street fixtures, public structure or appurtenances, shall be located or erected, or site therefor obtained, nor shall any permit be issued by any department of the City for the erection or location thereof until and unless the design and proposed location of any such improvement shall have been submitted to the commission and its recommendations thereon obtained, except such requirements and recommendations shall not act as a stay upon action for any such improvement when the commission after thirty (30) days' written notice requesting such recommendations, shall have failed to file same.

- 10) Review and Comment on Plats.** All plans, plats, or re-plats of subdivision or re-subdivisions of land embraced in the City or adjacent thereto, laid out in lots or plats with the streets, alleys, or other portions of the same intended to be dedicated to the public in the City, shall first be submitted to the commission and its recommendations obtained before approval by the Council.
- 11) Review and Comment of Street and Park Improvements.** No plan for any street, park, parkway, boulevard, traffic-way, riverfront, or other public improvement affecting the City Plan shall be finally approved by the City or the character or location thereof determined, unless such proposal shall first have been submitted to the commission and the commission shall have had thirty (30) days within which to file its recommendations thereon.
- 12) Zoning.** The commission shall have and exercise all the powers, and duties and privileges in preparing and amending the City zoning code as provided by Chapter 414 of the Code of Iowa.
- 13) Fiscal Responsibilities.** The commission shall have full, complete and exclusive authority to expend for and on behalf of the City all sums of money appropriated to it, and to use and expend all gifts, donations or payments whatsoever which are received by the City for City planning and zoning purposes.
- 14) Limitation on Entering Contracts.** The commission shall have no power to contract debts beyond the amount of its income for the present year.

SECTION 17: BOARD OF ADJUSTMENT

A Board of Adjustment consisting of five members which are appointed by the City Council, who shall not hold any elective office in the City government, as provided by Chapter 414.8 of the Iowa Code.

17-1: Planning and Zoning Commission Appointments

Members of a five-member board shall be appointed by the City Council for a term of five years, except that when the board shall first be created one member shall be appointed for a term of five years, one for a term of four years, one for a term of three years, one for a term of two years, and one for a term of one year.

17-2: Vacancies.

If any vacancy shall exist on the commission caused by resignation, or otherwise, a successor for the residue of said term shall be appointed in the same manner as the original appointee. Vacancies shall be filled by the City Council for the unexpired term of the member. The City Council may remove any member of the Board of Adjustment for cause upon written charges and after public hearing.

17-3: Compensation

All members of the Zoning Board of Adjustment shall serve without compensation, except their actual expenses, which shall be subject to the approval of the Council.

17-4: Organization

The board shall elect its own officers and should adopt rules and regulations for its own governance, not inconsistent with law or with the provisions of the Zoning Ordinance or any other Ordinances of the city. Meetings shall be held at the call of the Chairperson and at such other times as the board may determine. In the absence of the Chairperson, the acting Chairperson may administer oaths and compel attendance of witnesses. All meetings shall be open to the public.

The City Clerk or Board secretary shall take minutes for the Zoning Board of Adjustments. Minutes of its proceedings shall show the vote of each member upon each question, or if absent or failing to vote indicating such fact, and shall keep records of its examination and other official actions, all of which shall be a public record and be immediately filed at City Hall. The presence of three (3) members shall constitute a quorum, and all actions must receive a majority vote of those members present.

17-5: Procedure for General Appeals

The Board has the powers to review and reverse decisions of the zoning administrator.

- 1) Appeals of the decisions of the zoning administrator shall be made to the board of adjustment through the office of the zoning administrator in written form as determined by the zoning administrator. The board shall fix a reasonable time for the hearing of the appeal and shall decide the appeal within thirty days of the date of the public hearing. An appeal stays all proceedings in furtherance of the action, unless the zoning administrator certifies to the Board that by reason of the facts stated in the certificate, a stay would, in his/her opinion, cause imminent peril to life or property.

- 2) The board shall provide a minimum of ten days notice of a public hearing on any question before it. Notice of the hearing shall be posted in a conspicuous place on or near the property on which the application has been made; by publication in a newspaper of general circulation in the city; and by written notice to the appealing party.
- 3) Upon the public hearing, any party may appear in person or by agent or attorney. The concurring vote of three members of the board shall be necessary to reverse any order, requirement, decision or determination of the zoning administrator, or to decide in favor of the applicant on any matter upon which it is required to pass under any zoning ordinance, or to effect any variation in such ordinance.
- 4) **Stay of Proceedings.** An appeal shall stay all proceedings in furtherance of the action appealed from, unless the Zoning Administrator certifies to the board that a stay would, in his/her opinion, cause imminent peril to life, property, or the public safety. In such a case, the proceedings shall be stayed only by a restraining order granted by the board or by a court of record on application, on notice to the zoning administrator.

17-6: Powers and Duties

The board shall have jurisdiction in matters and shall have the specific and general powers provided in this ordinance and by the Code of Iowa.

- 1) **Interpretation of Zoning Map.** To hear and decide, in accordance with the provisions of any zoning regulation, requests for interpretation of any map.
- 2) **Review of General Zoning Appeals.** To hear and decide appeals where it is alleged there is error in any order, requirement, decisions or determination made by the zoning administrator, or his/her designee in the enforcement of this title or any regulation relating to the location or sound-ness of structures.
- 3) **Review of Conditional Use Permit Applications.** The Board of Adjustment shall have the authority to review requests for conditional use permits, under the following procedure:
 - a. **Administrative Review.** The board of adjustment shall review, evaluate, and act upon all applications submitted pursuant to this procedure. The board of adjustment, following proper notice, shall hold a public hearing, on each conditional use permit application and, following such public hearing, shall act on the application. Before approval of any conditional use permit, the board shall review the conformity of the proposed use with the permitted uses allowable for the corresponding zone of the subject parcel. The board may approve or disapprove the conditional permit as submitted or, before approval, may require that the applicant modify, alter, adjust, or amend the proposal as the board deems necessary to the end that it preserve the intent and purpose of this title to promote public health, safety and the general welfare.
 - b. **Application Requirements.** An application for a conditional use permit may be filed with the zoning administrator by the owners(s) of a property or the owners' authorized agent. Applications for a conditional use permit under the terms of this section shall be accompanied by documentation outlining the use and potential effects on surrounding property, and shall include a detailed site plan.
 - c. **Scope of Approval.** No conditional use permit shall be granted by the Board of Adjustment unless such Board shall find:
 - i. That the establishment, maintenance, or operation of the conditional use will not be detrimental to or endanger the public health, safety, morals, comfort, or general welfare of the community;

- ii. That the conditional use will not be injurious to the character, use, enjoyment, or property values of nearby properties;
 - iii. That the property in question is suitable for the proposed use;
 - iv. That adequate utilities, transportation capacity, drainage, and/or necessary facilities have been or will be provided;
 - v. That such use will be in accord with the intent and purpose and spirit of the zoning ordinance and the City of Keota Comprehensive Plan.
- d. **Change in Approved Special Permits.** In the event a conditional permit is granted under the terms of this section, any significant change thereafter in the approved use or site plan, as determined by the zoning administrator, shall be resubmitted and considered in the same manner as the original proposal.
- e. **Lapse and Revocation of Permit.**
- i. A conditional use permit shall become void two years after its effective date if the applicant has not carried out development or occupancy during that period, or sooner if so conditioned by the board of adjustment.
 - ii. The board of adjustment may revoke a conditional use permit should the operation of the use subject to such permit violate the conditions under which the permit was granted.
- f. **Previously Approved Permits.** Any conditional use approved under regulations in effect before the effective date of the ordinance codified in this section shall be considered to have a valid conditional use permit, subject to requirements imposed at the time of its approval.
- g. **Appeals.** Actions taken by the board of adjustment subject to this section may be appealed as provided for in section 17-2.

4) **Review of Variance Applications.** The Board of Adjustment shall have the authority to review variance requests, under the following procedure:

- a. **Administrative Review.** To hear and decide appeals where it is alleged by the appellant that there is error in any order, requirement, decision, grant or refusal made by the Zoning Administrator in the enforcement of the regulation.
- b. **Variations.** To authorize, upon appeal, variations from the strict application of this Ordinance where by reason of exceptional narrowness, shallowness, or shape of a specific piece of property at the time of enactment of the zoning regulations; or by reason of exceptional topographic conditions or other extraordinary and exceptional situation or condition of such piece of property, such strict application would result in peculiar and exceptional practical difficulties to or exceptional and unnecessary hardships upon the owner of such property.
 - i. **Requirements for the Grant of a Variance.** No such variance in the provision or requirements of the regulations shall be authorized by the board unless the board finds beyond reasonable doubt that all of the following conditions exist:
 - 1. Strict application of the zoning ordinance will produce undue hardship and would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this Ordinance;
 - 2. Such hardship is not shared generally by other properties in the same zoning district and in the same vicinity;
 - 3. The authorization of such variance will not be of substantial detriment to adjacent property and the character of the district will not be changed by the granting of the variance;

4. The granting of such variance is based upon reason of demonstrable and exceptional hardship as distinguished from variations for purposes of convenience, profit, or caprice;
 5. The condition or situation of the property concerned is not of so general or recurring a nature as to make reasonably practicable a general regulation to be adopted as an amendment to this title;
 6. The granting of the variance will not cause substantial detriment to the public good and will not substantially impair the intent and purpose of any ordinance or resolution.
- ii. **Findings by the Board.** The board of adjustment shall make findings that the requirements of this subsection have been met by the applicant for a variance.
 - iii. **Conditions for the Granting a Variance:**
 1. In granting any variance, the board of adjustment may prescribe appropriate conditions and safeguards in conformity with this title. Violation of such conditions and safeguards, when made a part of the terms under which the variance is granted, shall be deemed a violation of this title and punishable under Section 15-5 of this Ordinance.
 2. Under no circumstances shall the board of adjustment grant a variance to allow a use not permissible under the terms of this title in the district involved, or any use expressly or by implication prohibited by the terms of this title in said district.
 3. No nonconforming use of neighboring lands, structures, or buildings in the same district and no permitted or nonconforming use of lands, structures, or buildings in other districts shall be considered grounds for the issuance of a variance.

17-7: Judicial Review.

All final administrative decisions of the Board of Adjustment shall be subject to judicial review pursuant to the provision of Chapter 414, Code of Iowa, 1981, and all amendments and modifications thereof, and the rules adopted pursuant thereto.