

## CHAPTER 1

### ADMINISTRATION

#### SECTION 101 GENERAL

**101.1 Title.** These regulations shall be known as the City of Clarinda Zoning Code and shall be permitted to be cited as such and will be referred to herein as "this code."

**101.2 Purpose.** The purpose of this code is to safeguard the health, property and public welfare by controlling the design, location, use or occupancy of all buildings and structures through the regulated and orderly development of land and land uses within the incorporated limits of the City of Clarinda, and in cooperation with Page County, within a two-mile area of the rural area surrounding the incorporated limits of the City of Clarinda

**101.3 Scope.** The provisions of this code shall apply to the construction, addition, alteration, moving, repair and use of any building, structure, parcel of land or sign within the city, except work located primarily in a public way, public utility towers and poles, and public utilities unless specifically mentioned in this code.

Where, in any specific case, different sections of this code specify different requirements the more restrictive shall govern. Where there is conflict between a general requirement and a specific requirement, the specific requirement shall be applicable.

In fulfilling these purposes, this ordinance is intended to benefit the public as a whole and not any specific person or class of persons. Although through the implementation, administration and enforcement of this code, benefits and detriments will be enjoyed or suffered by specific individuals, such is merely a by-product of the overall benefit to the whole community. Therefore, unintentional breaches of the obligations of administration and enforcement imposed on the city hereby shall not be enforceable in tort. If any portion of this code is held invalid for any reason, the remaining herein shall not be affected.

#### SECTION 102 FEES

**102.1 Fees.** A fee for services shall be charged. All fees shall be set by the city and schedules shall be available at the office of the code official.

#### SECTION 103 EXISTING BUILDINGS AND USES

**103.1 General.** Lawfully established buildings and uses in existence at the time of the adoption of this code shall be permitted to have their existing use or occupancy continued, provided such continued use is not dangerous to life.

**103.2 Additions, Alterations or Repairs.** Additions, alterations or repairs shall be permitted to be made to any building or use without requiring the existing building or use to comply with the requirements of this code, provided the addition, alteration or repair conforms to that required for a new building or use.

**103.3 Maintenance.** All buildings or uses, both existing and new, and all parts thereof, shall be maintained. The owner or designated agent shall be responsible for the maintenance of buildings and parcels of land. To determine compliance with this section, the code official shall be permitted to cause any structure or use to be inspected.

**103.4 Moved and Temporary Buildings, Structures, and Uses.** Buildings or structures moved into or within the city shall comply with the provisions of this code for new buildings and structures.

Temporary buildings, structures, and uses such as reviewing stands and other miscellaneous structures, sheds, canopies or fences used for the protection of the public shall be permitted to be erected, provided a special approval is received from the code official for a limited period of time. Temporary buildings or structures shall be completely removed upon the expiration of the time limit stated in the permit.

**103.5 Illegal Uses.** Uses, which were illegally established prior to the adoption of this code, shall remain illegal.

## **SECTION 104 POWERS AND DUTIES OF THE ZONING CODE OFFICIAL**

**104.1 General.** This section establishes the duties and responsibilities for the zoning code official and other officials and agencies, with respect to the administration of this code. The City Manager and/or designee is hereby designated as the zoning code official for the City of Clarinda and shall be referred to hereafter in this code as "the code official."

**104.2 Deputies.** The code official may appoint such number of technical officers and other employees as shall be authorized from time to time. The code official shall be permitted to deputize such employees as may be necessary to carry out the functions of this code.

**104.3 Reviews and Approvals.** The code official shall be authorized to undertake reviews, make recommendations and grant approvals as set forth in this code.

**104.4 Comprehensive Plan.** The code official shall assist the planning and zoning commission in the development and implementation of the comprehensive plan.

**104.5 Administrative Reviews and Permits.**

**104.5.1 Review of Building Permits.** All applications for building permits and amendments thereto shall be submitted to the code official for review and approved prior to permit issuance. Each application shall include a set of building plans and all data necessary to show that the requirements of this code are met.

**104.5.2 Site Plan Reviews.** The code official shall receive all applications for site plan review and review for completeness and prepare submittals for review by the appropriate body.

**104.5.3 Conditional - Use Permits and Variances.** The code official shall receive all applications for conditional uses and variances or other plans as shall be permitted or approved as required by this code, review for completeness and prepare submittals for review by the appropriate body.

**104.5.4 Amendments.** All requests for amendments or changes to the comprehensive plan or zoning code or map shall be submitted to the code official for processing.

**104.6 Interpretations.** The interpretation and application of the provisions of this code shall be by the code official. An appeal of an interpretation by the code official shall be submitted to the board of adjustment, who, unless otherwise provided, is authorized to interpret the code, and such interpretation shall be considered final.

Uses are permitted within the various zones as described in this code and as otherwise provided herein.

It is recognized that all possible uses and variations of uses which might arise cannot reasonably be listed or categorized. Mixed uses/sites or any use not specifically mentioned or about which there is any question shall be administratively classified by comparison with other uses identified in the zones described in this code. If the proposed use resembles identified uses in terms of intensity and character, and is consistent with the purpose of this code and the individual zones classification, it shall be considered as a permitted/non-permitted use within a general zone classification, subject to the regulations for the use it most nearly resembles. If a use does not resemble other identified allowable uses within a zone, it may be permitted as determined by the hearing body in a public hearing as an amendment to this code pursuant to Section 108.3.

**104.7 Liability.** The code official, or designee, charged with the enforcement of this code, acting in good faith and without malice in the discharge of the duties described in this code, shall not be personally liable for any damage that may accrue to persons or property as a result of an act or by reason of an act or omission in the discharge of such duties. A suit brought against the code official or employee because such act or omission performed by the code official or employee in the enforcement of any provision of such codes or other pertinent laws or ordinances implemented through the enforcement of this code shall be defended by the city until final termination of such proceedings, and any judgment resulting there from shall be assumed by the city.

This code shall not be construed to relieve from or lessen the responsibility of any person owning, operating or controlling any building or parcel of land for any damages to persons or property caused by defects, nor shall the city be held as assuming any such liability by reason of the reviews or permits issued under this code.

**104.8 Cooperation of Other Officials and Officers.** The code official may request, and shall receive so far as is required in the discharge of the duties described in this code, the assistance and cooperation of other officials of the City of Clarinda and of Page County.

**SECTION 105  
PLANNING AND ZONING COMMISSION**

**105.1 General.** This section addresses the duties and responsibilities of a planning and zoning commission, hereafter referred to as "the commission." and other officials and agencies, with respect to the administration of this code.

**105.2 Establishment of the Commission.** The establishment of the commission shall be in accordance with the policies and procedures as set forth in state law. The commission shall consist of seven (7) members as specified by city code. Additionally, one member of the city council shall be appointed as liaison to the commission. Such member shall have the right to attend all meetings and take part in all discussions, but shall not vote on commission decisions.

**105.3 Terms for Members.** The terms of office for the members of the commission shall be five (5) years. The terms of office for the commission members shall be staggered at intervals so as to provide continuity in policy and personnel.

**105.4 Selection of Members.** All members shall be appointed and approved by the city council. Members of the commission shall be residents of the City of Clarinda. All members shall serve without compensation. Members may be removed for cause upon written charges and after a public hearing before the city council, if such a hearing is requested. Any vacancy for the unexpired term of any member whose term is not completed shall be filled. A member shall continue to serve until a successor has been appointed and approved by the city council.

**105.5 Chairperson Election and Rules Adoption.** The commission shall elect from its membership a chairperson. It shall also establish and adopt rules for its organization and transaction of business and shall keep a public record of its proceedings.

**105.6 Commission Secretary.** A secretary to assist the commission shall be appointed by the code official. The secretary shall keep minutes of the commission meetings for public record, complete all correspondence, including the notification of decisions and certify records. The secretary shall prepare and submit the minutes of commission meetings to the chairperson and the commission.

**105.7 Duties and Powers.**

**105.7.1 Comprehensive Plan.** It shall be the duty of the commission, after holding public hearings, to create and recommend to the city council a comprehensive plan for the physical development of the city, which shall be permitted to include areas outside its boundaries which bear consideration to the planning of the city. The comprehensive plan shall include at least the following elements:

- 1. Official maps.**
- 2. Growth and land use.**
- 3. Commercial/industrial uses.**
- 4. Transportation and utilities.**

5. **Community facilities.**
6. **Housing.**
7. **Environmental.**
8. **Geologic/natural hazards.**

The commission shall be permitted also to recommend amendments to the comprehensive plan regarding the administration or maintenance of the zoning code.

**105.7.2 Zoning Code.** It shall be the duty of the commission to develop and recommend to the city council a zoning code, in accordance with the guidelines of the comprehensive plan, establishing zones within two miles of the current city limits. Such a code shall be made in regards to the character of each district and the most appropriate use of land within the city.

The commission shall make periodic reports and recommendations to the city council.

**105.7.3 Division of Land Regulations.** It shall be the duty of the commission to develop and certify regulations governing the division of land. All divisions of land shall be in accordance with the adopted regulations.

**105.7.4 Conditional-Use Permits.** It shall be the duty of the commission to review conditional-use permit applications.

The application shall be accompanied by maps drawings or other documentation in support of the request. The granting of a conditional-use permit shall not exempt the applicant from compliance with other relevant provisions of related ordinances.

**105.7.5 Official Zoning Map.** The city council shall adopt an official zoning map for all areas included within the city.

**105.8 Appeals and Hearings.** Any person with standing aggrieved by any decision of the commission shall have the right to make such appeals as shall be permitted to be provided by this code or state law. Such appeals shall be based on the record.

## **SECTION 106 CONFORMANCE WITH THE CODE**

**106.1 General.** Upon adoption of the zoning code by the city council, no use, building or structure, whether publicly or privately owned, shall be constructed or authorized until the location and extent thereof conform to said plan.

**SECTION 107**  
**BOARD OF ADJUSTMENT**

**107.1 General.** This section addresses the duties and responsibilities of a board of adjustment, hereafter referred to as "the board." and other officials and agencies, with respect to the administration of this code.

**107.2 Establishment of the Board.** A board of adjustment is hereby established which shall consist of five (5) members. One (1) member of the planning & zoning commission shall be appointed as liaison to the board. Such member shall have the right to attend all meetings and take part in all discussions, but shall not vote on board decisions.

**107.3 Terms for Members.** The term of office of the members of the board and the manner of their appointment shall be as provided by Section 414.8, Code of Iowa. Members shall be permitted to be removed for cause upon written charges and after a public hearing before the city council, if such hearing is requested.

**107.4 Selection of Members.** All members shall be appointed and approved by the city council. Members of the board shall be residents of the City of Clarinda. All members shall serve without compensation. Any vacancy for the unexpired term of any member whose term is not completed shall be filled. A member shall continue to serve until a successor has been appointed and approved by the city council.

**107.5 Chairperson Election and Rules Adoption.** The board shall elect from its membership a chairperson. It shall also establish and adopt rules for its organization and the transaction of business and shall keep a public record of its proceedings.

**107.6 Board Secretary.** A secretary to assist the board shall be appointed by the code official. The secretary shall keep minutes of the board meetings for public record, complete all correspondence, including the notification of decisions and certify records. The secretary shall prepare and submit the minutes of board meetings to the chairperson and the board.

**107.7 Duties and Powers.**

**107.7.1 Errors.** The board shall have the power to hear and decide on appeals where it is alleged that there is an error in any order, requirement, decision, determination or interpretation by the code official.

**107.7.2 Variances.** The board shall have the power to hear and decide on appeals wherein a variance to the terms of this code is proposed. Limitations as to the board's authorization shall be as set forth in Section 414.12, Code of Iowa.

**107.7.3 Variance Review Criteria.** The board of adjustment may approve, approve with conditions or deny a request for a variance. Each request for a variance shall be consistent with the criteria listed below.

1. The use of the property may be limited due to physical, topographic and geologic features.

2. The grant of the variance will not grant any special privilege to the property owner.
3. The applicant can demonstrate that without a variance there can be no reasonable use of the property.
4. The grant of the variance is not based solely on economic reasons.
5. The necessity for the variance was not created by the property owner.
6. The variance requested is the minimum variance necessary to allow reasonable use of the property.
7. The grant of the variance will not be injurious to the public health, safety or welfare.
8. The property subject to the variance request possesses one or more unique characteristics generally not applicable to similarly situated properties.

107.8 Use Variance. The board of adjustment shall not grant a variance to allow the establishment of a use in a zoning district when such use is prohibited by the provisions of this code.

107.9 Decisions. The board shall be permitted to decide in any manner it sees fit; however. It shall not have the authority to alter or change this code or zoning map or allow as a use that which would be inconsistent with the requirements of this code. Provided, however, that in interpreting and applying the provisions of this code, the requirements shall be deemed to be the spirit and intent of the code and do not constitute the granting of a special privilege.

## **SECTION 108 HEARINGS, APPEALS AND AMENDMENTS**

108.1 Hearings. Upon receipt of an application in proper form, the code official shall arrange to advertise the time and place of public hearing. Notice of said public hearing shall be published in the local community newspaper of general circulation at least once, no less than four (4) days, nor more than twenty (20) days prior to the public hearing. Such notice shall state the nature of the request, the location of the property, and the time and place of hearing. Reasonable effort shall also be made to give notice by regular mail of the time and place of hearing to each surrounding property owner within 200 feet of the subject property or use. A notice of such hearing shall also be posted in a conspicuous manner on the subject property.

108.2 Appeals.

108.2.1 Filing. Any person with standing, aggrieved or affected by any decision of the code official shall be permitted to appeal to the examiner, board or commission by written request with the code official. Upon furnishing the proper information, the code official shall transmit to the examiner, board or commission all papers and pertinent data related to the appeal.

108.2.2 Time Limit. An appeal shall only be considered if filed within ten (10) working days after the cause arises or the appeal shall not be considered. If such an appeal is not made, the decision of the code official shall be considered final.

108.2.3 Stays of Proceedings. An appeal stays all proceedings from further action unless there is immediate danger to public health and safety.

108.3 Amendments. This code shall be permitted to be amended, but all proposed amendments shall be submitted to the code official for review and recommendation to the commission.

108.4 Voting and Notice of Decision. There shall be a vote of a majority of the board and commission present in order to decide any matter under consideration. Each decision shall be entered in the minutes by the secretary. All appeals shall be kept in accordance with state regulations and such appeals shall be open to the public. Notice in writing of the decision and the disposition of each appeal shall be given to the code official and each appellant by certified mail or by personal delivery.

## **SECTION 109 VIOLATIONS**

109.1 Unlawful Acts. It shall be unlawful for any person to erect, construct, enlarge, alter, repair, move, improve, remove, convert or demolish, equip, use, occupy, or maintain any building or land or cause or permit the same to be done in violation of this code. When any building or parcel of land regulated by this code is being used contrary to this code, the code official shall be permitted to order such use discontinued and the structure, parcel of land, or portion thereof, vacated by notice served on any person causing such use to be continued. Such person shall discontinue the use within the time prescribed by the code official after receipt of such notice to make the structure, parcel of land, or portion thereof, comply with the requirements of this code.

## **SECTION 110 PERMITS AND APPROVALS**

110.1 General. All departments, officials and employees which are charged with the duty or authority to issue permits or approvals shall issue no permit or approval for uses or purposes where the same would be in conflict with this code. Any permit or approval, if issued in conflict with this code, shall be null and void.

110.2 Expiration or Cancellation. Each license, permit or approval issued shall expire after 180 days if no work is undertaken or such use or activity is not established, unless a different time of issuance of the license or permit is allowed, or unless an extension is granted by the code official prior to expiration.

Failure to comply fully with the terms of any permit, license or approval shall be permitted to be grounds for cancellation or revocation. Action to cancel any license, permit or approval shall be permitted to be taken on proper grounds by the code official. Cancellation of a permit or approval by the commission or board shall be permitted to be appealed in the same manner as its original action.

110.3 Validity of Licenses, Permits and Approvals. For the issuance of any license, permit or approval for which the commission or board is responsible, the code official shall require that the development or use in question proceed only in accordance with the terms of such license, permit or approval, including any requirements or conditions established as a condition of issuance. Except as specifically provided for in this code and conditions of approval, the securing of one

required review or approval shall not exempt the recipient from the necessity of securing any other required review or approval.

## CHAPTER 2

### DEFINITIONS

#### SECTION 201 GENERAL

201.1 Scope. Unless otherwise expressly stated, the following words and terms shall, for the purposes of this code, have the meanings shown in this chapter.

201.2 Interchangeability. Words stated in the present tense include the future; words stated in the masculine gender include the feminine and neuter; the singular number includes the plural and the plural the singular.

201.3 Terms Defined in Other Codes. Where terms are not defined in this code and are defined in the building or mechanical codes, such terms shall have the meanings ascribed to them as in those codes.

201.4 Terms Not Defined. Where terms are not defined through the methods authorized by this section, such terms shall have ordinarily accepted meanings such as the context implies.

#### SECTION 202 GENERAL DEFINITIONS

**ACCESSORY BUILDING.** An incidental subordinate building customarily incidental to and located on the same lot occupied by the main use or building, such as a detached garage. Accessory buildings such as a garage or shed shall not exceed 1,200 square feet, or be in excess of 16 feet high. Accessory buildings may be used in all zoning districts. Accessory buildings under the brand name "Cover-All Shelter Systems" may be utilized in agriculture or commercial zones, not limited by size, but subject to a building permit and review by the code official.

**ACCESSORY LIVING QUARTERS.** An accessory building used solely as the temporary dwelling of guests of the occupants of the premises; such dwelling having no kitchen facilities and not rented or otherwise used as a separate dwelling unit.

**ACCESSORY USE.** A use conducted on the same lot as the primary use of the structure to which it is related; a use which is clearly incidental to, and customarily found in connection with, such primary use.

**ACREAGE, GROSS.** The overall total area of real property.

**ACREAGE, NET.** The remaining area after all deductions are made; with deductions including streets, easements for access, street dedications and similar areas.

**AGRICULTURE.** The tilling of the soil, raising of crops, animals, horticulture, gardening, beekeeping and aquaculture. (A-1 zone)

**ALLEY.** Any public way or thoroughfare twenty feet (20') or less in width, which has been dedicated to the public for public use.

**ALTERATION.** Any change, addition or modification in construction, occupancy or use.

**AMUSEMENT CENTER.** An establishment offering five or more amusement devices, including, but not limited to, coin-operated electronic games, shooting gallery, table games and similar recreational diversions within an enclosed building. (C-1 zone)

**APARTMENT HOUSE.** A residential building designed or used for five (5) or more dwelling units.  
(R-3 zone)

**AUTOMOTIVE REPAIR, MAJOR.** An establishment primarily engaged in the repair or maintenance of motor vehicles, trailers and similar large mechanical equipment, including paint, body and fender, and major engine and engine part overhaul, which is conducted within a completely enclosed building.  
(I-1 zone)

**AUTOMOTIVE REPAIR, MINOR.** An establishment primarily engaged in the repair or maintenance of motor vehicles, trailers and similar mechanical equipment, including brake, muffler, upholstery work, tire repair and change, lubrication, tune-ups and transmission work, which is conducted within a completely enclosed building. (C-1 zone)

**AUTOMOTIVE SELF-SERVICE STATION.** That portion of property where flammable or combustible liquids or gases used as fuel are stored and dispersed from fixed equipment into the fuel tanks of motor vehicles. Such an establishment shall be permitted to offer for sale at retail other convenience items as a clearly secondary activity and shall be permitted also to include a free-standing automatic car wash.  
(C-1 zone)

**AUTOMOTIVE SERVICE STATION.** That portion of property where flammable or combustible liquids or gases used as fuel are stored and dispersed from fixed equipment into the fuel tanks of motor vehicles. Accessory activities shall be permitted to include automotive repair and maintenance, car wash service and food sales. (C-1 zone)

**AWNING.** A shelter supported entirely from the exterior wall of a building.

**BASEMENT.** Any floor level below the first story in a building, except that a floor level in a building having only one floor level shall be classified as a basement unless such floor level qualifies as a first story as defined herein.

**BILLBOARD.** All structures, regardless of material used in the construction of the same, that are erected, maintained or used for public display of posters, painted signs, wall signs, whether the structure be placed on the wall or painted on the wall itself, pictures or other pictorial reading matter which advertise a business or attraction which is not carried on or manufactured in or upon the premises upon which said signs or billboards are located. (refer to Chapter 10)

**BED AND BREAKFAST HOME.** A single-family dwelling which provides overnight lodging for guests on a rental basis, in which the owner resides and in which guest families are served breakfast, and providing the ratio of off-street parking shown in Table 801.2.1. (R-1 zone)

**BED AND BREAKFAST INN.** A commercial facility used primarily for guest lodging, usually with several rooms for that purpose, and providing the ratio of off-street parking shown in Table 801.2.1. A bed and breakfast in is subject to the same licensing, inspection and taxation requirements as hotels, motels and restaurants. (C-1 zone, or by conditional use in R-1)

**BLOCK.** Land, or a group of lots, surrounded by streets or other rights-of-way, other than an alley, or land which is designated as a block on any recorded subdivision tract.

**BOARD.** The board of adjustment of the City of Clarinda.

**BOARDING HOUSE.** A dwelling containing a single dwelling unit and not more than ten (10) guest rooms or suites of rooms, where lodging is provided with or without meals, for compensation for more than one week. (R-3 zone)

**BUILDING.** Any structure used or intended for supporting or sheltering any use or occupancy.

**BUILDING CODE.** The Uniform Building Code promulgated by the International Conference of Building Officials, as adopted by the city.

**BUILDING HEIGHT.** The vertical distance above the average existing grade measured to the highest point of the building. The height of a stepped or terraced building shall be the maximum height of any segment of the building.

**BUILDING LINE.** The perimeter of that portion of a building or structure nearest a property line, but excluding open steps, terraces, cornices and other ornamental features projecting from the walls of the building or structure.

**BUILDING, MAIN.** A building in which the principal use of the site is conducted.

**BUILDING, TEMPORARY.** A building used temporarily for the storage of construction materials and equipment incidental and necessary to on-site permitted construction of utilities, or other community facilities, or used temporarily in conjunction with the sale of property within a subdivision under construction.

**BULK STATIONS.** Distributing stations, commonly known as bulk or tank stations, used for the storage and distribution of flammable liquids or liquefied petroleum products, where the aggregate capacity of all storage tanks is more than twelve thousand (12,000) gallons. (I-2 zone)

**BUSINESS OR FINANCIAL SERVICES.** An establishment intended for the conduct or service or administration by a commercial enterprise, or offices for the conduct of professional or business service. (C-1 zone)

**CANOPY.** A roofed structure constructed of fabric or other material supported by the building or by support extending to the ground directly under the canopy placed so as to extend outward from the building providing a protective shield for doors, windows and other openings.

**CARPORT.** A roofed structure open on at least two sides and used for the storage of private or pleasure-type vehicles.

**CITY.** The City of Clarinda, Iowa, is hereby deemed the jurisdiction of this code.

**COMMERCIAL, HEAVY.** An establishment or business which generally uses open sales yards, outside equipment storage, or outside activities that generate noise or other impacts considered incompatible with less intense uses. Typical businesses in this definition are lumber yards, nursery stock sales, construction specialty services, heavy equipment suppliers or building contractors. (C-2 zone)

**COMMERCIAL, LIGHT.** An establishment or business which generally has retail or wholesale sales, office uses or services that do not generate noise, or other impacts considered incompatible with less-intense uses. Typical businesses in this definition are retail stores, offices, catering services or restaurants.  
(C-1 zone)

**COMMERCIAL CENTER, COMMUNITY.** A completely planned and designed commercial development providing for the sale of general merchandise and/or convenience goods and services. A community commercial center shall provide for the sale of general merchandise, and may include a variety store, discount store or supermarket. (C-1 zone, PUD)

**COMMERCIAL CENTER, CONVENIENCE.** A completely planned and designed commercial development providing for the sale of general merchandise and/or convenience goods and services. A convenience commercial center shall provide a small cluster of convenience shops or services.  
(C-1 zone, PUD)

**COMMERCIAL CENTER, NEIGHBORHOOD.** A completely planned and designed commercial development providing for the sale of general merchandise and/or convenience goods and services. A neighborhood commercial center shall provide for the sales of convenience goods and services, with a supermarket as the principal tenant. (C-1 zone, PUD)

**COMMERCIAL CENTER, REGIONAL.** A completely planned and designed commercial development providing for the sale of general merchandise and/or convenience goods and services. A regional center shall provide for the sale of general merchandise, apparel, furniture, home furnishings, and other retail sales and services. in full depth and variety. (C-2 zone, PUD)

**COMMERCIAL RETAIL SALES AND SERVICES.** Establishments which engage in the sale of general retail goods and accessory services. Businesses within this definition include those which conduct sales and storage entirely within an enclosed structure (with the exception of occasional outdoor "sidewalk" promotions); businesses specializing in sale of either general merchandise or convenience goods. (C-1 zone)

**COMPREHENSIVE PLAN.** The declaration of purposes, policies and programs for the development of the City of Clarinda.

**CONDITIONAL USE.** A use which would become harmonious or compatible with neighboring uses through the application and maintenance of qualifying conditions.

**CONDOMINIUM, OR TOWN HOUSE.** A single dwelling unit in a multi-unit dwelling or structure, which is separately owned and which may be combined with an undivided interest in the common areas and facilities of the property. (R-1 zone)

**CONGREGATE RESIDENCE.** Any building or portion thereof which contains facilities for living, sleeping and sanitation as required by this code, and may include facilities for eating and cooking for occupancy by other than a family. A congregate residence shall be permitted to be a shelter, convent, monastery, dormitory, fraternity or sorority house, but does not include jails, family homes, hospitals, nursing homes, hotels or lodging houses. (R-2 zone)

**CONVALESCENT CENTER.** A facility which is publicly or privately operated and intended for long-term patient care due to human illness or infirmity, including the elderly and developmentally disabled, normally employing the services of skilled and licensed practitioners, excluding hospitals. (R-2 zone)

**COUNTY.** The county of jurisdiction is Page County, Iowa.

**COURT.** A space, open and unobstructed to the sky, located at or above grade level on a lot and bounded on three (3) or more sides by walls of a building.

**DANCE HALL, DISCOTHEQUE.** An establishment intended primarily for dancing and entertainment within an enclosed building, using either live or electronically produced music, either open to the public or operated as a private club open to members only. (C-1 zone)

**DAY CARE, FAMILY.** The keeping for part-time care and/or instruction, whether or not for compensation, of six or less persons at any one time within a dwelling, not including members of the family residing on the premises. (R-1 zone)

**DAY CARE, GROUP.** An establishment for the care and/or instruction, whether or not for compensation, of seven or more persons at any one time. Child nurseries, pre-schools and adult care facilities are included in this definition. (R-2 zone)

**DENSITY.** The number of dwelling units which are allowed on an area of land, which area of land shall be permitted to include dedicated streets contained within the development.

**DRIVEWAY.** A private access road, the use of which is limited to persons residing, employed, or otherwise using or visiting the parcel in which it is located.

**DWELLING, DUPLEX TO FOUR-PLEX.** A building designed or arranged to be occupied by two to four families living independently, the structure having up to four dwelling units. (R-2 zone)

**DWELLING, MULTIPLE-UNIT.** A building or portion thereof designed for occupancy by five (5) or more families living independently in which they may or may not share common entrances and/or other spaces. Individual dwelling units may be owned as condominiums, or offered for rent. (R-3 zone)

**DWELLING, PLANNED GROUP.** Two or more detached buildings used as dwelling units located on a lot that is in single ownership having yards, courts or facilities in common. (R-1 zone, PUD)

**DWELLING, SINGLE-FAMILY.** A detached dwelling unit with kitchen and sleeping facilities, designed for occupancy by one family. (R-1 zone)

**DWELLING UNIT.** Any building or portion thereof which contains living facilities, including provisions for sleeping, eating, cooking and sanitation, as required by this code, for not more than one family, or a congregate residence for six or less persons.

All one and two-family dwelling structures located in Clarinda shall be subject to the following standards:

1. For all building permits issued after June 6, 1985, dwelling structures shall have a floor area of not less than seven hundred seventy square feet (770 sf); and a minimum width for any building elevation of not less than twenty-two feet (22');
2. Dwelling structures shall be roofed in the gable or hip styles and shall include an overhang of at least twelve inches (12");
3. Dwelling structures shall be sided with material other than flat or corrugated sheet metal. Siding shall extend to within 6" of the ground adjacent to the structure;
4. Dwelling structures shall be placed on a permanent frost-free foundation system that is provided for by the Uniform Building Code for this region of the country. Attachment shall be with the use of a seal or foundation plate which is attached in accordance with Section 2907 of the Uniform Building Code Section F.

**EASEMENT.** That portion of land or property reserved for present or future use by a person or agency other than the legal fee owner(s) of the property. The easement shall be permitted to be for use under, on, or above said lot or lots.

**FACE OF BUILDING, PRIMARY.** The wall of a building fronting on a street or right-of-way, excluding any appurtenances such as projecting fins, columns, pilasters, canopies, marquees, showcases or decorations.

**FAMILY.** An individual or two or more persons related by blood, marriage or adoption, or a group not to exceed six unrelated persons living together as a single housekeeping unit. (R-1 zone)

**FAMILY HOME.** A community-based residential home which is licensed as a residential care facility under chapter 135C Code of Iowa or as a child foster care facility under Chapter 237 Code of Iowa to provide room and board, personal care, rehabilitation services, and supervision in a family environment exclusively for not more than eight persons with a developmental disability or brain injury and any necessary support personnel. (R-1 zone)

**FARM ANIMALS.** Animals other than household pets that shall be permitted to, where permitted, be kept and maintained for commercial production and sale and/or family food production, education, or recreation. Farm animals are identified by these categories: large animals, e.g., horses and cattle; medium animals, e.g., sheep, goats; or small animals, e.g., rabbits, chinchillas, chickens, turkeys, pheasants, geese, ducks and pigeons. (A-1 zone)

**FLOOR AREA, GROSS.** The sum of the horizontal areas of floors of a building measured from the exterior face of exterior walls or, if appropriate, from the center line of dividing walls; this includes courts and decks or porches when covered by a roof.

**FLOOR AREA, NET.** The gross floor area exclusive of vents, shafts, courts, elevators, stairways, exterior walls and similar facilities.

**FLOOR AREA RATIO.** The numerical value obtained by dividing the gross floor area of a building by the area of the lot on which the building is constructed.

**FRONTAGE.** The width of a lot or parcel abutting a public right-of-way-way measured at the front property line.

**GARAGE, PRIVATE.** A building or a portion of a building not more than 864 square feet in area, in which only private or pleasure-type motor vehicles used by the tenants of the building or buildings on the premises are stored or kept. Each garage must be built with an overhead door and be placed on a frost - free foundation.

**GENERAL PLAN.** The declaration of purposes, policies and programs for the development of the City of Clarinda.

**GRADE (Adjacent Ground Elevation).** The lowest point of elevation of the existing surface of the ground, within the area between the building and a line 5 feet from the building.

**GRAFFITI.** Unauthorized marking on a structure.

**GROSS LEASABLE AREA (GLA).** The total floor area of a commercial building designed for tenant occupancy and exclusive use, including basements, mezzanines and upper floors, expressed in square feet as measured from the center line of joint partitions and from outside wall faces.

**GROUP CARE FACILITY.** A facility, required to be licensed by the state, which provides training, care, supervision, treatment and/or rehabilitation to the aged, disabled, those convicted of crimes or those suffering the effects of drugs or alcohol; this does not include day-care centers, family homes, family day-care homes, foster homes, schools, hospitals, jails or prisons. (R-2 zone)

**GUEST ROOM.** Any room or rooms used or intended to be used a guest for sleeping purposes. Every 100 square feet of superficial floor area in a dormitory shall be considered to be a guest room.

**HABITABLE SPACE (Room).** Space in a structure for living, sleeping, eating or cooking. Bathrooms, toilet compartments, closets, halls, storage or utility space, and similar areas are not considered habitable space.

**HOME OCCUPATION.** The partial use of a dwelling unit for commercial or nonresidential uses by a resident thereof which is subordinate and incidental to the use of the dwelling for residential purposes.

**HOSPITAL.** An institution designed for the diagnosis, treatment and care of human illness or infirmity and providing health services, primarily for inpatients, and including as related facilities, laboratories, outpatient departments, training facilities and staff offices. (C-1 zone)

**HOUSEHOLD PETS.** Dogs, cats, rabbits, birds, for family use only (noncommercial) with cages, pens, etc. (R-1 zone)

**INDUSTRIAL OR RESEARCH PARK.** A tract of land developed according to a master site plan for the use of a family of industries and their related commercial uses, and that is of sufficient size and physical improvement to protect surrounding areas and the general community and to assure a harmonious integration into the neighborhood. (I-1 zone, PUD)

**JURISDICTION.** As used in this code, jurisdiction is the City of Clarinda.

**KENNEL.** Any lot or premises on which four or more dogs or cats over four months of age are kept, for compensation or not. (I-1 zone, or by conditional use in A-1)

**KITCHEN.** Any room or portion of a room within a building designed and intended to be used for the cooking or preparation of food.

**LANDSCAPING.** The finishing and adornment of unpaved yard areas. Materials and treatment generally include naturally growing elements such as grass, trees, shrubs and flowers. This treatment shall be permitted also to include the use of logs, rocks, fountains, water features and contouring of the earth.

**LEGISLATIVE BODY.** Is the City of Clarinda.

**LIVESTOCK.** Includes, but is not limited to, horses, bovine animals, sheep, goats, swine, reindeer, donkeys, mules and any other hoofed animals. (A-1 zone)

**LOT.** A single parcel of land.

**LOT, CORNER.** A lot abutting on two intersecting or intercepting streets, where the interior angle of intersection or interception does not exceed 135 degrees.

**LOT, FLAG.** A lot so shaped and designed that the main building site area is set back from the street on which it fronts and includes an access strip connecting the main building site with the frontage street.

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

**LOT, IRREGULAR.** A lot whose opposing property lines are generally not parallel, such as a pie-shaped lot on a cul-de-sac, or where the side property lines are not parallel to each other.

**MANUFACTURED HOME.** A factory-built structure, which is manufactured or constructed under authority of 42 U.S.C. Section 5403, and is to be used as a place for human habitation, but which is not constructed or equipped with a permanent hitch or other device allowing it to be moved other than for the purpose of moving to a permanent site, and which does not have permanently attached to its body or frame any wheels or axles. A mobile home as defined in the zoning ordinance is not a manufactured home, unless it has been converted to real property as provided in section 435.26 Code of Iowa, and shall be taxed as a site-built dwelling. (R-1 zone)

**MANUFACTURED HOME, SPECIAL CARE.** A home used as a temporary dwelling for a family member who is in need of special, frequent and routine care by reason of advanced age or ill health.  
(R-1 zone)

**MANUFACTURING, HEAVY.** All other types of manufacturing not included in the definitions of light manufacturing and medium manufacturing. (I-2 zone)

**MANUFACTURING, LIGHT.** The manufacturing, compounding, processing, assembling, packaging or testing of goods or equipment, including research activities, conducted entirely within an enclosed structure, with no outside storage, serviced by a modest volume of trucks or vans and imposing a negligible impact on the surrounding environment by noise, vibration, smoke, dust or pollutants.  
(I-1 zone)

**MANUFACTURING, MEDIUM.** The manufacturing, compounding, processing, assembling, packaging or testing of goods or equipment within an enclosed structure or an open yard that is capable of being screened from neighboring properties, serviced by a modest volume of trucks or other vehicles.  
(I-1 zone)

**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.

(Code of Iowa, Sec. 435.1)

Mobile homes as defined above will only be allowed in approved R - Division 4 Districts - Mobile Home Parks.

**MOBILE HOME PARK.** Any site, lot, field or tract of land open which two or more mobile homes, manufactured homes, or modular homes, or a combination of any of these homes are placed on developed spaces and operated as a for-profit enterprise with water, sewer or septic, and electrical services available. (R-4 zone)

**MODEL HOME.** A dwelling temporarily used as a sales office for a residential development under construction; said home being used for on-site sales and not for general real estate business.

**MODULAR HOME.** A factory-built structure built on a permanent chassis which is manufactured to be used as a place of human habitation; is constructed to comply with the Iowa State Building Code for modular factory-built structures, and must display the seal issued by the State Building Code Commission.

Additionally, a modular home shall meet all of the following requirements:

1. Is designed only for erection or installation on a site-built permanent foundation;
2. Is not designed to be moved once so erected or installed;
3. Is designed and manufactured to comply with a nationally recognized model building code or an equivalent local code, or with a state or local modular building code

recognized as generally equivalent to building codes for site-built housing; or

4. To the manufacturer's knowledge, is not intended to be used other than on a site-built permanent foundation. (R-1 zone)

**MORTUARY, FUNERAL HOME.** An establishment in which the dead are prepared for burial or cremation. The facility shall be permitted to include a chapel for the conduct of funeral services and spaces for funeral services and informal gatherings, and/or display of funeral equipment. (R-2 zone)

**MOTEL, HOTEL.** Any building containing six or more guest rooms intended or designed to be used, or which are used, rented or hired out to be occupied, or which are occupied for sleeping purposes by guests. (C-1 zone)

**NATURAL WATERWAYS.** Those areas, varying in width along streams, creeks, springs, gullies or washes, which are natural drainage channels as determined and identified by the city.

**NONCONFORMING LOT.** A lot whose width, area or other dimension did not conform to the regulations when this code became effective.

**NONCONFORMING SIGN.** A sign or sign structure or portion thereof lawfully existing at the time this code became effective, which does not now conform.

**NONCONFORMING STRUCTURE.** A building or structure or portion thereof lawfully existing at the time this code became effective, which was designed, erected or structurally altered for a use that does not conform to the zoning regulations of the zone in which it is located.

**NONCONFORMING USE.** See "Use, nonconforming."

**OPEN SPACE.** Land areas that are not occupied by buildings, structures, parking areas, streets, alleys or required yards. Open space shall be permitted to be devoted to landscaping, preservation of natural features, patios, and recreational areas and facilities. (R-1 zone)

**PARK.** A public or private area of land, with or without buildings, intended for outdoor active or passive recreational uses. (R-1 zone)

**PARK AND RIDE FACILITIES.** Parking lots or structures located along public transit routes designed to encourage transfer from private automobile to mass transit or to encourage car-pooling for purposes of commuting, or for access to recreation areas. (R-1 zone)

**PARKING GARAGE, COMMERCIAL.** A building, other than a private garage, used for the parking of automobiles with or without a fee. (C-1 zone)

**PARKING LOT.** An open area, other than a street, used for the parking of automobiles. (R-1 zone)

**PARKING SPACE, AUTOMOBILE.** A space within a building or private or public parking lot, exclusive of driveways, ramps, columns, office and work areas, for the parking of an automobile.

**PERSON.** A natural person, heirs, executors, administrators or assigns, and includes a firm, partnership or corporation, its or their successors or assigns, or the agent of any of the aforesaid.

**PLANNED UNIT DEVELOPMENT (PUD).** A residential or commercial development guided by a total design plan in which one or more of the zoning or subdivision regulations, other than use regulations, shall be permitted to be waived or varied to allow flexibility and creativity in site and building design and location, in accordance with general guidelines. (PUD zone)

**PLOT PLAN.** A plat of a lot, drawn to scale, showing the actual measurements, the size and location of any existing buildings or buildings to be erected, the location of the lot in relation to abutting streets, and other such information.

**POOLS, SWIMMING, HOT TUBS AND SPAS; ABOVE-GROUND/ON-GROUND POOL.** See "Private swimming pool", below.

**Barrier.** A fence, a wall, a building wall, the wall of an above-ground swimming pool or a combination thereof, which completely surrounds the swimming pool and obstructs access to the swimming pool.

**Hot tub.** See 'Private swimming pool.'

**In-ground pool.** See 'Private swimming pool.'

**Power safety cover.** A pool cover which is placed over the water area, and is opened and closed with a motorized mechanism activated by a control switch.

**Private swimming pool.** Any structure that contains water over 24 inches (610 mm) in depth and which is used, or intended to be used, for swimming or recreational bathing in connection with an occupancy in a Residential - Division 3 district and which is available only to the family and guests of the householder. This includes in-ground, above-ground and on-ground swimming pools, hot tubs and spas.

**Private swimming pool, indoor.** Any private swimming pool that is totally contained within a private structure and surrounded on all four sides by walls of said structure.

**Private swimming pool, outdoor.** Any private swimming pool that is not an indoor pool.

**Public swimming pool.** Any swimming pool other than a private swimming pool.

**Spa.** See "Private swimming pool." (R-1 zone)

**PUBLIC IMPROVEMENT.** Any drainage ditch, storm sewer or drainage facility, sanitary sewer, water main, roadway, parkway, sidewalk, pedestrian way, tree, lawn, off-street parking area, lot improvement or other facility for which the local government may ultimately assume the responsibility for maintenance and operation or for which the local government responsibility is established.

**PUBLIC SERVICES.** Uses operated by a unit of government to serve public needs, such as police (with or without jail), fire service, ambulance, judicial court or government offices, but not including public utility stations or maintenance facilities. (R-1 zone)

**PUBLIC UTILITY STATION.** A structure or facility used by a public or quasi-public utility agency to store, distribute, generate electricity, gas, telecommunications, and related equipment, or to pump or chemically treat water. This does not include storage or treatment of sewage, solid waste or hazardous waste. (C-1 zone)

**PUBLIC WAY.** Any street, alley or similar parcel of land essentially unobstructed from the ground to the sky which is deeded, dedicated or otherwise permanently appropriated to the public for public use.

**QUASI-PUBLIC.** Essentially a public use, although under private ownership or control.

**QUORUM.** A majority of the authorized members of a board or commission.

**RECREATIONAL VEHICLE.** A vehicular unit, other than a mobile home, whose gross floor area is less than 320 square feet, which is designed as a temporary dwelling for travel, recreational and vacation use, and which is either self-propelled, mounted on or pulled by another vehicle. Examples include, but are not limited to, a travel trailer, camping trailer, truck camper, motor home, fifth-wheel trailer or van.

**PRIVATE RECREATION, INDOOR.** An establishment providing completely enclosed recreation activities for a fee. Accessory uses shall be permitted to include the preparation and serving of food and/or the sale of equipment related to the enclosed uses. Included in this definition shall be bowling, roller skating or ice skating, billiards, pool, motion picture theaters, and related amusements.  
(C-1 zone)

**PUBLIC RECREATION, INDOOR.** An establishment providing completely enclosed recreation activities by a public agency either for a fee or for free. Accessory uses shall be permitted to include the preparation and serving of food and/or the sale of equipment related to the enclosed uses. Included in this definition shall be basketball, exhibit halls, racquetball, saunas, spas, swimming pool, tennis, and related amusements. (R-1 zone)

**RECREATION, OUTDOOR.** An area free of buildings except for restrooms, dressing rooms, equipment storage, maintenance buildings, open-air pavilions, and similar structures used primarily for recreational activities. (C-1 zone)

**RECYCLING FACILITY.** Any location whose primary use is where waste or scrap materials are stored, bought, sold, accumulated, exchanged, packaged, disassembled or handled, including, but not limited to, scrap metals, paper, plastic, rags, tires and bottles, and other such materials. (I-2 zone)

**REHABILITATION CENTER (Halfway House).** An establishment whose primary purpose is the rehabilitation of persons. Such services include drug and alcohol rehabilitation, assistance to emotionally and mentally disturbed persons, and halfway houses for prison parolees and juveniles.  
(C-1 zone)

**RELIGIOUS, CULTURAL AND FRATERNAL ACTIVITY.** A use or building owned or maintained by organized religious organizations or nonprofit associations for social, civic or philanthropic purposes, or the purpose for which persons regularly assemble. (R-2 zone)

**RENOVATION.** Interior or exterior remodeling of a structure, other than ordinary repair.

**RESTAURANT.** An establishment which sells prepared food for consumption. Restaurants shall be classified as follows:

**Restaurant, Fast Food.** An establishment which sells food already prepared for consumption, packaged in paper, styrofoam or similar materials, and may include drive-in or drive-up facilities for ordering. (C-1 zone)

**Restaurant, General.** An establishment which sells food for consumption on or off the premises. (C-1 zone)

**Restaurant, Take-Out.** An establishment which sells food only for consumption off the premises. (C-1 zone)

**SALVAGE YARD.** Any location whose primary use is where waste or scrap materials are stored, bought, sold, accumulated, exchanged, packaged, disassembled or handled, including, but not limited to, materials such as scrap metals, paper, rags, tires and bottles. (I-2 zone)

**SCHOOL, COMMERCIAL.** A school establishment to provide for the teaching of industrial, clerical, managerial or artistic skills. This definition applies to schools that are owned and operated privately for profit and that do not offer a complete educational curriculum (e.g., beauty school, modeling school). (C-1 zone)

**SETBACK.** The minimum required distance between the property line and the building line.

**SIGN.** An advertising message, announcement, declaration, demonstration, display, illustration, insignia, surface or space erected or maintained in view of the observer thereof for identification, advertisement or promotion of the interests of any person, entity, product or service, including the sign structure, supports, lighting system and any attachments, ornaments or other features used to draw the attention of observers.

**SIGNS, COMMUNITY.** Temporary, on- or off-premises signs, generally made of a woven material or durable synthetic materials primarily attached to or hung from light poles or on buildings. These signs are solely of a decorative, festive and/or informative nature announcing activities, promotions or events with seasonal or traditional themes having broad community interest, and which are sponsored or supported by a city-based nonprofit organization.

**SITE PLAN.** A plan which outlines the use and development of any tract of land.

**STORY.** That portion of building included between the upper surface of any floor and the upper surface of the floor next above, except that the topmost story shall be that portion of a building included between the upper surface of the topmost floor and the ceiling or roof above. If the finished floor level directly above a usable or unused under-floor space is more than 6 feet above grade as defined herein for more than 50 percent of the total perimeter or is more than 12 feet above grade as defined herein at any point, such usable or unused under-floor space shall be considered as a story.

**STREET.** Any thoroughfare or public way not less than 16 feet in width, which has been dedicated.

**STREET, PRIVATE.** A right-of-way or easement in private ownership, not dedicated or maintained as a public street, which affords the principal means of access to two or more sites.

**STRUCTURE.** That which is built or constructed, an edifice or building of any kind, or any piece of work artificially built up or composed of parts joined together in some definite manner.

**SUBDIVISION.** The division of a tract, lot or parcel of land into two or more lots, plats, sites or other divisions of land.

**THEATER.** A building used primarily for the presentation of live stage productions, performances or motion pictures. (C-1 zone)

**USE.** The activity occurring on a lot or parcel for which land or a building is arranged, designed or intended, or for which land or a building is or may be occupied, including all accessory uses.

**USE, CHANGE OF.** The change within the classified use of a structure or premise.

**USE, NONCONFORMING.** A use which lawfully occupied a building or land at the time this code became effective, which has been lawfully continued and which does not now conform with the use regulations.

**USE, PRINCIPAL.** A use which fulfills a primary function of a household, establishment, institution or other entity.

**USE, TEMPORARY.** A use that is authorized by this code to be conducted for a fixed period of time. Temporary uses are characterized by such activities as the sale of agricultural products, contractors' offices and equipment sheds, fireworks, carnivals, flea markets, and garage sales.

**VARIANCE.** A deviation from the height, bulk, setback, parking or other dimensional requirements established by this code.

**WAREHOUSE, WHOLESALE OR STORAGE.** A building or premises in which goods, merchandise or equipment are stored for eventual distribution. (I-1 zone)

**WRECKING YARD.** Any place where damaged, inoperable or obsolete machinery such as cars, trucks and trailers, or parts thereof, are stored, bought, sold, accumulated, exchanged, disassembled or handled. (I-2 zone)

**YARD.** An open, unoccupied space on a lot, other than a court, which is unobstructed from the ground upward by buildings or structures, except as otherwise provided in this code.

**YARD, FRONT.** A yard extending across the full width of the lot, the depth of which is the minimum horizontal distance between the front lot line and a line parallel thereto.

**YARD, REAR.** A yard extending across the full width of the lot, the depth of which is the minimum horizontal distance between the rear lot line or ordinary high water line and a line parallel thereto.

**YARD, SIDE.** An open, unoccupied space on the same lot with the building and between the building line and the side lot line, or to the ordinary high water line.

**ZERO LOT LINE DEVELOPMENT.** Single-family dwellings arranged on individual lots as either detached structures with one or more side walls on a side property line. (R-1 zone, PUD)

## CHAPTER 3

### USE DISTRICTS

#### SECTION 301 DISTRICT CLASSIFICATIONS

301.1 Classification. In order to classify, regulate and restrict the locations of uses and locations of buildings designated for specific areas; and to regulate and determine the areas of yards, courts and other open spaces within or surrounding such buildings, property is hereby classified into districts as prescribed in this chapter

#### SECTION 302 MINIMUM AREAS FOR ZONING DISTRICTS

302.1 Minimum Areas. The minimum areas that may constitute a separate or detached part of any of the following zoning districts on the zoning map or subsequent amendments to said zoning map shall be as shown in Table 302.1. When a nonresidential district is directly across the street from or abuts the district with the same or less restrictive classification, the area of the land directly across the street or abutting the property may be included in the calculations in meeting the minimum district size requirements.

**Table 302.1**  
**Minimum Areas for Zoning Districts**

| Zoning District | Minimum Area of the District |
|-----------------|------------------------------|
| A - Division 1  | 5.0 Acres                    |
| R - Division 1  | 1.0 Acres                    |
| R - Division 2  | 1.0 Acres                    |
| R - Division 3  | 1.0 Acres                    |
| R - Division 4  | 2.0 Acres                    |
| C - Division 1  | 5.0 Acres                    |
| C - Division 2  | 5.0 Acres                    |
| I - Division 1  | 10.0 Acres                   |
| I - Division 2  | 20.0 Acres                   |

**SECTION 303  
ZONING MAP**

**303.1 Zoning Map.** The boundaries of each zoning district are to be indicated upon the official zoning map as approved by the legislative authority. Said map and subsequent amendments thereto shall be considered as a part of this code.

**SECTION 304  
ANNEXED TERRITORY**

**304.1 Classification.** Any territory hereafter annexed shall automatically, upon such annexation, be classified as Residential District - Division I, residential district and be subject to all conditions and regulations applicable to property in such district.

**SECTION 305  
CONDITIONAL USES**

**305.1 General.** The principal objective of this zoning code is to provide for an orderly arrangement of compatible buildings and land uses, and for the proper location of all types of uses required for the social and economic welfare of the community. To accomplish this objective, each type and kind of use is classified as permitted in one or more of the various use districts established by this code. However, in addition to those uses specifically classified and permitted in each district, there are certain additional uses which it may be necessary to allow because of the unusual characteristics of the service they provide the public. These conditional uses require particular considerations as to their proper location to adjacent, established or intended uses, or to the planned growth of the community. The conditions controlling the locations and operation of such special uses are established by the applicable sections of this code.

## CHAPTER 4

### AGRICULTURAL ZONES

#### SECTION 401 AGRICULTURAL ZONES DEFINED

**401.1 Agricultural Zone.** Allowable agricultural (A) zone uses shall be:

**Division 1.** (A-1 zone) Any designated open space containing five (5) acres or more, as set forth in this code.

Any agricultural use, including, but not limited to, dwellings, maintenance/storage buildings and other such uses necessary for the principal use.

Any public park land or other similar recreational use, including, but not limited to, amusement rides, office buildings, retail buildings and dwellings necessary for the maintenance of the principal use.

Kennels may be located in this zone if approved by a conditional use permit.

#### SECTION 402 BULK REGULATIONS

**402.1 General.** The minimum area, setbacks, density and maximum height shall be as prescribed in Table 402.1.

**TABLE 402.1  
AGRICULTURAL (A) ZONE BULK REGULATIONS  
(In feet, unless noted otherwise noted)**

| ZONE DIVISION | MINIMUM LOT AREA (ACRES) | MAXIMUM DENSITY (UNITS/ACRES) | LOT DIMENSION     |                   | SETBACK REQUIREMENTS |                   |                   | MAXIMUM BUILDING HEIGHT |
|---------------|--------------------------|-------------------------------|-------------------|-------------------|----------------------|-------------------|-------------------|-------------------------|
|               |                          |                               | MINIMUM LOT WIDTH | MINIMUM LOT DEPTH | MINIMUM FRONT YARD   | MINIMUM SIDE YARD | MINIMUM REAR YARD |                         |
| 1             | 5 acres                  | 1 DU per 5 acres              | 250 feet          | 250 feet          | 30 feet              | 15 feet           | 60 feet           | 35 feet                 |

a. Open space and parks can be of a reduced size, if approved.

b. Access storage structures, windmills and similar structures shall be permitted to exceed the maximum height when approved by the code official.

## CHAPTER 5

### RESIDENTIAL ZONES

#### SECTION 501 RESIDENTIAL ZONES DEFINED

**501.1 Residential Zones.** Allowable residential (R) zone uses shall be:

**Division 1.** (R-1 zone) Single Family Residential - The following uses are permitted in a R, Division 1 zone:

Single family dwellings (detached, condominiums, town houses, zero lot line, planned group and cluster type - owner occupied housing), bed and breakfast homes, family day-care (six or less children), family homes (135C, Code of Iowa), publicly owned and operated parks, churches, public recreation centers, swimming pools and playgrounds, police and fire department stations, public and governmental services, public libraries, public schools and colleges (excluding colleges or trade schools operated for profit), public parking lots, park and ride facilities, buildings accessory to the above permitted uses (including private garages and accessory living quarters), and temporary buildings, and other open space.

Bed and breakfast inns and public utility stations may be located in this zone if approved by a conditional use permit.

**Division 2.** (R-2 zone) Two to Four - Family Residential - The following uses are permitted in a R, Division 2 zone:

Any use permitted in R, Division 1 zones and two to four - family dwellings, congregate residences, convalescent centers, group care (nursing, residential care, assisted living), nurseries or group day-care (six or more individuals), religious, cultural, fraternal, clubs and lodge facilities, and mortuaries and funeral homes.

**Division 3.** (R-3 zone) Multi-Family Residential - The following uses are permitted in a R, Division 3 zone:

All uses permitted in R, Division 2 zones, multiple-unit dwellings (five and more units), apartment houses, boarding and lodging houses, clinics, dispensaries and professional office buildings.

Charitable, philanthropic and eleemosynary use or institutions may be located in this zone if approved by a conditional use permit.

**Division 4.** (R-4 zone) Mobile Home Park District - The following uses are permitted in a R, Division 4 zone:

All uses specifically designed to be used exclusively by mobile homes parks, including two or more mobile homes, manufactured homes, or modular homes, or a combination of any of these homes, or other compatible uses as defined in Section 202, are placed on developed spaces and operated as a for-profit enterprise with water, sewer or septic, and electrical services available.

The entrance road connecting the park streets to the public street system and any interior park streets shall be a minimum thirty-five foot (35') right-of-way, and shall be paved with asphalt concrete or PCC pavement in accordance with the provisions of the city subdivision ordinance standards.

The park shall be connected to the municipal water and sanitary sewer systems, and each site shall be served individually by a water, sanitary sewer, and electric connection.

## SECTION 502 BULK REGULATIONS

**502.1 General.** The minimum area, setbacks, density and maximum height shall be as prescribed in Table 502.1.

**TABLE 502.1  
RESIDENTIAL (R) ZONE BULK REGULATIONS  
(in feet, unless noted otherwise)**

| DIVISION                      | MINIMUM LOT AREA/SITE (SQUARE FEET) | MAXIMUM DENSITY   | LOT DIMENSIONS    |                   | SETBACK REQUIREMENTS |                   |                   | MAXIMUM BUILDING HEIGHT |
|-------------------------------|-------------------------------------|-------------------|-------------------|-------------------|----------------------|-------------------|-------------------|-------------------------|
|                               |                                     |                   | Minimum Lot Width | Minimum Lot Depth | Minimum Front Yard   | Minimum Side Yard | Minimum Rear Yard |                         |
| 1                             | 8,000                               | 5.5 DU's per acre | 70 feet           | 115 feet          | 25 feet              | 10 feet           | 25 feet           | 35 feet                 |
| 2                             | 8,000                               | 11 DU's per acre  | 70 feet           | 115 feet          | 25 feet              | 7 feet            | 7 feet            | 35 feet                 |
| 3                             | 12,000                              | 15 DU's per acre  | 50 feet           | 115 feet          | 25 feet              | 7 feet            | 7 feet            | 35 feet                 |
| 4                             | 2 acres                             | 11 DU's per acre  | 250 feet          | 250 feet          | 75 feet              | 35 feet           | 35 feet           | 35 feet                 |
| R - 4<br>Individual park site | 4,000                               | 11 DU's per acre  | 40 feet           | 100 feet          | 15 feet              | 5 feet            | 10 feet           | 35 feet                 |

a. Accessory towers, satellite dishes and similar structures shall be permitted to exceed the maximum height when approved by the code official.

b. Minimum lot line set-backs for accessory buildings shall be 5 feet.

## CHAPTER 6

### COMMERCIAL ZONES

#### SECTION 601 COMMERCIAL ZONES DEFINED

**601.1 Commercial Zones.** Allowable commercial (C) zone uses shall be:

Permitted commercial (C) zone uses shall be:

**Division 1.** (C-1 zone) General Commercial - The following uses are permitted in a C, Division 1 zone:

Any use permitted in R, Divisions 1, 2 & 3 zones, with the exception of dwellings, and amusement centers (including bowling alleys, golf driving ranges, miniature golf courses, ice rinks, pool and billiard halls and similar recreational uses), private recreation centers, minor automotive repair, automotive self-service stations, automotive service stations, business or financial services, light, community, convenience, neighborhood commercial centers (excluding wholesale sales), retail sales and service, indoor theaters and dance halls and discotheques. Public utility stations used to store, distribute or generate electricity, gas, telecommunications, and related equipment, or to pump, store or chemically treat water. Hospitals, health and medical institutions, physical fitness centers, charitable, philanthropic and eleemosynary use or institutions, cultural institutions (such as museums and art galleries), rehabilitation centers, schools and colleges operated for profit (including commercial, vocational and trade schools). Bed and breakfast inns, hotels, motels, restaurants, bars, taverns and cocktail lounges, automotive sales, building material supply sales (wholesale and retail), commercial parking garage, commercial printing and publishing, and self-storage warehouses. Private parking lots and garages used for commercial purposes.

Manufacturing and processing which is clearly incidental to retail use and is limited to that which may be carried on in not more than 25 percent of the floor space given to retail use, and involving not more than 8 employees.

Dwelling units and pet stores may be located within this zone if approved by a conditional use permit.

**Division 2.** (C-2 zone) Highway Commercial - The following uses are permitted in a C, Division 2 zone:

Any use permitted in a C, Division 1 zone, and businesses typically located in a highway commercial district, including heavy and regional commercial centers, beverage distributors, clothing manufacturers, cabinet makers, wholesale and jobbers, express and baggage, machine shops, nursery stock sales and storage, and sign manufacturers.

**SECTION 602  
BULK REGULATIONS**

**602.1 General.** The minimum area, setbacks, density and maximum height shall be as prescribed in Table 602.1.

**TABLE 602.1  
COMMERCIAL (C) ZONES  
BULK REGULATIONS  
(in feet, unless noted otherwise)**

| DIVISION       | MINIMUM LOT AREA/SITE (SQUARE FEET) | MAXIMUM DENSITY | LOT DIMENSIONS    |                   | SETBACK REQUIREMENTS |                   |                   | MAXIMUM BUILDING HEIGHT |
|----------------|-------------------------------------|-----------------|-------------------|-------------------|----------------------|-------------------|-------------------|-------------------------|
|                |                                     |                 | Minimum Lot Width | Minimum Lot Depth | Minimum Front Yard   | Minimum Side Yard | Minimum Rear Yard |                         |
| C - Division 1 | none (b)                            | none            | none              | none              | none                 | none              | none (c)          | 75 feet                 |
| C - Division 2 | none (b)                            | none            | none              | none              | 25 feet              | none              | none              | 75 feet                 |

a. Accessory towers, satellite dishes and similar structures shall be permitted to exceed the maximum height when approved by the code official.

b. Dwellings located in a C - Division zone shall comply with the size requirements for a R - Division 3 zone as shown in Table 502.1

c. Where the rear of the lots abuts a Residential district, there shall be a minimum yard depth of 10 feet, exclusive of an alley; and decreased by 4 inches for each foot of height of the building above 15 feet.

## CHAPTER 7

### INDUSTRIAL ZONES

#### SECTION 701 INDUSTRIAL ZONES DEFINED

**701.1 I Zones.** Allowable industrial (I) zone uses shall be:

**Division 1.** (I-1 zone) Light Industrial - Any of the following uses, provided that they are not offensive in odor, dust, noise, vibration, or are unsanitary, create electrical disturbances or explosions, or create similar effects: any light or medium manufacturing centers or activities, or industrial use, warehouses, industrial or research parks, research or testing laboratories, product distribution centers, woodworking shops, auto body shops, furniture assembly, dry-cleaning plants, kennels, machine shops, and boat building storage yards.

Any uses permitted in a C, Division 2 zone, and major automotive repair, commercial bakeries, plastic products design, molding and assembly, small metal products design, casting, fabricating processing, manufacture and finishing, storage yards, wood products manufacture and finishing.

**Division 2.** (I-2 zone) Heavy Industrial - Any use permitted in the I, Division 1 zone and stadiums and arenas, bulk loading stations, heavy manufacturing centers or activities, indoor swap meets, rendering plants, breweries, liquid fertilizer manufacturing, carpet manufacturing, monument works, and regional recycling centers. Auto dismantling, junk, salvage and wrecking yards. Alcohol manufacturing, cotton gin, paper manufacturing, quarries, salt works, petroleum refining, and other similar uses.

Penitentiaries, prisons, juvenile detention center or other penal complexes and related business, manufacturing or industry operated for employment, rehabilitation, instruction or treatment of inmates incarcerated in said facilities.

#### SECTION 702 BULK REGULATIONS

**702.1 General.** The minimum area, setbacks, density and maximum height shall be as prescribed in Table 702.1.

**TABLE 702.1  
INDUSTRIAL (I) ZONE BULK REGULATIONS  
(in feet, unless noted otherwise)**

| DIVISION       | MINIMUM LOT AREA/SITE (SQUARE FEET) | MAXIMUM DENSITY | LOT DIMENSIONS    |                   | SETBACK REQUIREMENTS |                   |                   | MAXIMUM BUILDING HEIGHT |
|----------------|-------------------------------------|-----------------|-------------------|-------------------|----------------------|-------------------|-------------------|-------------------------|
|                |                                     |                 | Minimum Lot Width | Minimum Lot Depth | Minimum Front Yard   | Minimum Side Yard | Minimum Rear Yard |                         |
| I - Division 1 | none (b)                            | none            | none              | none              | none                 | none              | none (c)          | 75 feet                 |
| I - Division 2 | none (b)                            | none            | none              | none              | 25 feet              | none              | none              | 75 feet                 |

a. Accessory towers, satellite dishes and similar structures shall be permitted to exceed the maximum height when approved by the code official.

b. Dwellings located in a C - Division zone shall comply with the size requirements for a R - Division 3 zone as shown in Table 502.1

c. Where the rear of the lots abuts a Residential district, there shall be a minimum yard depth of 10 feet, exclusive of an alley; and decreased by 4 inches for each foot of height of the building above 15 feet.

## CHAPTER 8

### GENERAL PROVISIONS

#### SECTION 801 OFF-STREET PARKING

**801.1 General.** There shall be provided at the time of erection of any main building or at the time such buildings are altered, enlarged, converted or increased in capacity minimum off-street parking space with adequate provision for ingress and egress by standard-sized vehicles in accordance with the requirements of this code.

#### 801.2 Parking Space Requirements:

**801.2.1 Required Number.** The off-street parking spaces required for each use permitted by this code shall not be less than that found in Table 801.2.1, provided that any fractional parking space be computed as a whole space.

**TABLE 801.2.1  
OFF-STREET PARKING SCHEDULE**

| USE                              | NUMBER OF PARKING SPACES REQUIRED   |
|----------------------------------|---|
| R-1, R-2 Zones                   | 2 each per dwelling unit  |
| Bed and Breakfast                | 1/guest room plus 2 spaces for the owner  |
| R-3 Zone                         | 2 spaces per unit 1-10 units; 1.5 spaces per unit for 11-50 units; .75 spaces per unit for 51-75 units; .5 spaces per unit for over 75 units. |
| R-4 Zone                         | 1 each space per dwelling unit  |
| Office, Non-Medical Professional | 1/300 gross square feet   |
| Retail, Medical Office           | 1/200 gross square feet   |
| Restaurant, Health Club          | 1/100 gross square feet   |
| Other Commercial                 | 1/500 gross square feet   |
| Assembly Facility                | 1/300 gross square feet   |
| Schools                          | 1/3.5 seats in the assembly room(s) plus 1/faculty  |
| Hotel/Motel                      | 1/guest room plus 1/500 square feet of common area  |
| Warehouse                        | 1/500 gross square feet   |
| Industry                         | 1/500 gross square feet   |

**801.2.2 Combination of Uses.** Where there is a combination of uses on a lot, the required number of parking spaces shall be the sum of that found for each use.

**801.2.3 Location of Lot.** The parking spaces required by this code shall be provided on the same lot as the use or where the exclusive use of such is provided on another lot not more than 500 feet radially from the subject lot within the same or less-restrictive zoning district.

**801.2.4 Handicapped Parking.** The number of spaces, their size, and location provided for persons with disabilities as defined by Chapter 321L, Code of Iowa, shall be in accordance with Chapter 69.07 of the municipal code.

### **801.3 Parking Stall Dimension.**

**801.3.1 Width.** A minimum width of 9 feet shall be provided for each parking stall.

Exceptions:

1. Compact parking stalls shall be permitted to be 8 feet wide.
2. Parallel parking stalls shall be permitted to be 8 feet wide.
3. The width of a parking stall shall be increased 10 inches for obstructions located on either side of the stall within 14 feet of the access aisle.
4. Handicap parking spaces shall be 1.5 times the width of a regularly sized space.

**801.3.2 Length.** A minimum length of 20 feet shall be provided for each parking stall.

Exceptions:

1. Compact parking stalls shall be permitted to be 18 feet in length.
2. Parallel parking stalls shall be a minimum 22 feet in length.

### **801.4 Design of Parking Facilities.**

**801.4.1 Driveway and Ramp Slopes.** The maximum slope of any driveway or ramp shall not exceed 20 percent. Transition slopes in driveways and ramps shall be provided in accordance with the standards set by the code official and the city's engineer.

**801.4.2 Stall Accessibility.** Each required parking stall shall be individually and easily accessible. No automobile shall be required to back onto any public street or sidewalk to leave any parking stall when such stall serves more than two dwelling units or other than residential uses. All portions of a public lot or garage shall be accessible to other portions thereof without requiring the use of any public street.

**801.4.3 Compact-to-Standard Stall Ratio.** The maximum ratio of compact stalls to standard stalls in any parking area shall not exceed 1 to 2.

**801.4.4 Screening.** A 3-foot-high (914 mm) buffer at the public way shall be provided for all parking areas of five or more parking spaces.

**801.4.5 Striping.** All parking stalls shall be striped.

**Exception:** A private garage or parking area for the exclusive use of a single-family dwelling.

**801.4.6 Lighting.** All lights illuminating a parking area shall be designed and located so as to reflect away from any street and adjacent property.

## SECTION 802 FENCE HEIGHTS

802.1 General. Fence and retaining wall heights in required yards shall not exceed those found in Table 802.1.

**TABLE 802.1  
FENCE AND WALL HEIGHTS SCHEDULE**

| YARDS |             | HEIGHT (feet) |
|-------|-------------|---------------|
| Front |             | 3.5           |
| Rear  |             | 6.0           |
| Side  | Lot Side    | 6.0           |
|       | Street Side | 3.5           |

## SECTION 803 LOCATION OF ACCESSORY BUILDINGS

**803.1 General.** Accessory buildings shall occupy the same lot as the main use or building.

**803.2 Separation from Main Building.** All accessory buildings shall be separated from the main building by 10 feet.

**803.3 Private Garages.** An accessory building used as a private garage shall be permitted to be located in the rear yard or side yard provided that setbacks are maintained and the structures do not encroach into any recorded easements. The building shall be permitted to be located in the front yard of a sloping lot if the lot has more than a 10-foot difference in elevation from midpoint of the front lot line to a point 50 feet away midway between the side lot lines.

**803.4 Storage Buildings.** All accessory buildings used for storage or other similar use shall be permitted to be located in any portion of the rear yard or side yard. No storage building shall be located in the front yard.

**SECTION 804**  
**ALLOWABLE PROJECTIONS INTO YARDS**

**804.1 General.** Eaves, cornices or other similar architectural features shall be permitted to project into a required yard no more than three (3) feet.

**804.2 Front Yards.** Open, unenclosed ramps, porches, platforms or landings, not covered by a roof, shall be permitted to extend no more than 6 feet into the required front yard, provided such porch does not extend above the first level and is no more than 6 feet above grade at any point.

**SECTION 805**  
**LOADING SPACES**

**805.1 General.** Loading spaces shall be provided on the same lot for every building in a commercial or industrial zone. No loading space is required if prevented by an existing lawful building. The building official may waive this requirement on unusual lots.

**805.2 Size.** Each loading space shall have a clear height of 14 feet and shall be directly accessible through a usable door not less than 3 feet in width and 6 feet 8 inches high. The minimum area of a loading space shall be 500 square feet and the minimum dimensions shall be 50 feet long and 10 feet deep.

**SECTION 806**  
**GRADING AND EXCAVATION REGULATIONS**

**806.1 General.** This section is intended to provide the community with fair and equitable grading practices and shall not supersede the requirements of any other ordinance or code.

**806.2 Grading Responsibilities.**

**806.2.1 Protection of Utilities.** Public utilities or services shall be protected from damage due to grading or excavation operations.

**806.2.2 Protection of Adjacent Property.** Adjacent properties shall be protected from damage due to grading operations. No person shall excavate on land sufficiently close to the property line to endanger any adjoining public street, sidewalk, alley or other public or private property, without supporting and protecting such property from any damage that might result.

**806.2.3 Inspection Notice.** The code official shall be notified at least 24 hours prior to the start of work.

**806.2.4 Temporary Erosion Control.** Precautionary measures necessary to protect adjacent watercourses and public or private property from damage by water erosion, flooding or deposition of mud or debris originating from the site shall be put in effect.

Precautionary measures shall include provisions of properly designed sediment control facilities so that downstream properties are not affected by upstream erosion.

**806.2.5 Traffic Control and Protection of Streets.** Flaggers, signs, barricades, and other safety devices to ensure adequate safety when working in or near public streets shall be provided.

**806.2.6 Hazard from Existing Grading.** Whenever any existing excavation, embankment or fill has become a hazard to life or limb, or endangers structures, or adversely affects the safety, use or stability of a public way or drainage channel, such excavation, embankment or fill shall be eliminated.

**806.2.7 Tracking of Dirt onto Public Streets.** Adequate cleaning of equipment to prevent the tracking of dirt and debris onto public streets shall be provided.

**806.2.8 Maintenance of Waterway and Irrigation Canals.** Precautionary measures to protect and maintain the flow of waterways and irrigation canals shall be taken.

**806.2.9 Revegetation.** The loss of trees, ground cover, and topsoil shall be minimized on any grading project. In addition to mechanical methods of erosion control , graded areas shall be protected to the extent practical from damage by erosion by planting grass or ground cover plants and/or trees. Such plantings shall provide for rapid, short-term coverage of the slopes as well as long-term permanent coverage. A plan by a landscape architect may be required.

**806.3 Design Standards.** The grading design standards required herein shall be those found in nationally recognized standards.

## **SECTION 807 APPROVAL FOR AND AVAILABILITY OF ESSENTIAL SERVICES**

**807.1 General.** All projects that require the additional use or new facilities of essential services, such as sewers, storm drains, fire hydrants, potable water, public streets, street lighting and similar services, shall obtain such approval as required by the agency providing such service prior to project approval. Nonavailability of essential services shall be permitted to be grounds for denying permits for additional development until such services are available. The city is not obligated to extend or supply essential services if capacity is not available. If capacity is available, the extension of services shall be by and at the cost of the developer, unless the city agrees otherwise. All service extensions shall be designed and installed in full conformance with the city's standards for such service, and shall be subject to review, permit and inspection as required by other policies or ordinances of the city.

## CHAPTER 9

### SPECIAL REGULATIONS

#### SECTION 901 HOME OCCUPATIONS

**901.1 General.** Home occupations shall be permitted in all zones, provided the home occupation is clearly and obviously subordinate to the main use or dwelling unit for residential purposes. Home occupations shall be conducted wholly within the primary structure on the premises.

**901.2 Conditions.**

1. The home occupation shall not exceed 15 percent of the floor area of the primary structure.
2. Other than those related by blood, marriage or adoption, no more than one person may be employed in the home occupation.
3. Inventory and supplies shall not occupy more than 50 percent of the area permitted to be used as a home occupation.
4. There shall be no exterior display or storage of goods on said premises.
5. Home occupations involving beauty shops or barber shops shall require a conditional-use permit.
6. Sales and services to patrons shall be arranged by appointment and scheduled so that not more than one patron vehicle is on the premises at the same time.
7. Two additional parking spaces shall be provided on the premises, except only one need be provided if the home occupation does not have an employee. Said parking shall comply with the parking requirements in Section 801.

#### SECTION 902 ADULT USES

**902.1 General.** A conditional-use permit shall be obtained for all adult-use businesses.

**902.2 Provisions.**

1. No adult-use business shall be located within 1,000 feet of a park, school, day-care center, library or religious or cultural activity.

2. No adult-use business shall be located within 500 feet of any other adult-use business or any agricultural or residential zone boundary.
3. Such distances shall be measured in a straight line without regard to intervening structures, topography and zoning.
4. Said business shall be located in a Commercial - Division 2 zone and shall not be permitted as a home occupation.

## CHAPTER 10

### SIGN REGULATIONS

#### SECTION 1001 GENERAL REGULATIONS

**1001.1 Signs.** In any district real estate signs are permitted, advertising the sale, lease or rental of premises or buildings on which they are located. In addition signs, the following signs are allowed in each district below.

**1001.2 Definitions.** The following terms have the following meanings:

**ERECT.** means to build, construct, attach, hang, suspend, or affix, and also includes the painting of wall signs.

**FACING or SURFACE.** means the surface of the sign upon, against or through which the message is displayed or illustrated on the sign.

**GROUND or TEMPORARY SIGN.** as regulated by this chapter means any sign placed upon the ground and not attached to any building.

**ILLUMINATED SIGN.** means any sign which has characters, letters, figures, designs or outline illuminated by electric lights or luminous tubes as a part of the sign proper.

**INCOMBUSTIBLE MATERIAL.** means any material which will not ignite at or below a temperature of 1200° Fahrenheit and will not continue to burn or glow at that temperature.

**PROJECTING SIGN.** as regulated by this chapter means any sign which is attached to a building or other structure and extends beyond the line of said building or structure or beyond the surface of that portion of the building or structure to which it is attached.

**ROOF SIGN.** as regulated by this chapter means any sign erected, constructed and maintained wholly upon or over the roof of any building with the principal support on the roof structure.

**SIGN.** means and includes every sign, billboard, ground sign, wall sign, roof sign, illuminated sign, projecting sign and temporary sign, and includes any announcement, declaration, demonstration, display, illustration or insignia used to advertise or promote the interests of any person when the same is placed out of doors in view of the general public.

**STREET LINE.** means the place where the public sidewalk begins and the private property line ends.

**STRUCTURAL TRIM.** means the molding, battens, capping, nailing strips, latticing and platforms which are attached to the sign structure.

**WALL SIGN.** as regulated by this chapter means all flat signs of solid face construction which are placed against a building or other structure and attached to the exterior front, rear or side wall of any building or other structure.

**1001.3 Permits Required.** It shall be unlawful for any person to erect, repair, alter, relocate or maintain within the city any sign or other advertising structure as defined in this chapter, without first obtaining a permit from the building official and making payment of the fee required by Section 1001.7.

**1001.4 Application for Erection Permit.** Application for permits shall be made upon blanks provided by the building official and shall contain or have attached thereto the following information:

1. Name, address and telephone number of the applicant.
2. Location of building, structure or lot to which or upon which the sign or other advertising structure is to be attached or erected.
3. Position of the sign or other advertising structure in relation to nearby buildings or structures.
4. One blueprint or ink drawing of the plans and specifications and method of construction and attachment to the building or in the ground.
5. Copy of stress sheets and calculations showing the structure is designed for dead load and wind pressure in any direction in the amount required by this chapter and all other ordinances of the city.
6. Name of person, firm, corporation or association erecting structure.
7. Written consent of the owner of the building, structure or land on which the structure is to be erected.
8. Any electrical permit required and issued for said sign.
9. Such other information as the building official shall require to show full compliance with this chapter and all other ordinances of the city.

**1001.5 Illuminated Signs; Approval by Building Official.** The application for a permit for erection of a sign or other advertising structure in which electrical wiring and connections are to be used shall be submitted to the building official. The building official shall examine the plans and specifications respecting all wiring and connections to determine if the same complies with the electrical code of the city, and shall approve said permit if the said plans and specifications comply with said code or disapprove the application if noncompliance with the code is found. This action of the building official shall be taken prior to approval of the application.

**1001.6 Permit Issued.** It shall be the duty of the building official, upon the filing of an application for an erection permit, to examine such plans and specifications and other data and the premises upon which it is proposed to erect the sign or other advertising structure, and if it shall appear that the proposed structure is in compliance with all the requirements of this chapter and all other ordinances of the city, the building official shall then issue the erection permit. If the work authorized under an erection permit has not been completed within six (6) months after date of issuance, the permit shall become null and void.

**1001.7 Permit Fees.** Every applicant before being granted an erection permit, shall pay to the city clerk the permit fee, for each such sign or other advertising structure regulated, of five (5) cents per square foot, total display space will determine square feet, provided that, in no event shall the minimum fee for each sign be less than five dollars (\$5.00).

**1001.8 Annual Inspection and Fees.** The building official shall inspect annually, or at such times deemed necessary, each sign or other advertising structure regulated by this chapter for the purpose of ascertaining whether the same is secure or insecure, and whether it is in need of removal or repair.

**1001.9 Unsafe and Unlawful Signs.** If the building official shall find that any sign or other advertising structure regulated hereunder is unsafe or insecure or is a menace to the public, or has been constructed or erected or is being maintained in violation of the provisions of this chapter, the building official shall give written notice thereof to the permit holder. Such notice shall include a statement explaining the alleged violations and deficiencies, an order to repair or remove said sign, and an explanation of the consequences of failure to comply with said order. If the permit holder fails to remove or alter said sign so as to comply with the order within ten days after such notice, said sign or other advertising structure may be removed or altered to comply by the building official at the expense of the permit holder or owner of the property on which it is located. The permit holder may appeal the order of the building official to the city council, and, if such an appeal is on file, the ten-day compliance period shall be extended until ten days following the city council's decision on the matter. If, however, the building official finds that any sign or other advertising structure poses a serious and immediate threat to the health or safety of any person, the building official may order the removal of such sign summarily and without notice to the permit holder. Such an order may be appealed to the city council, and if the city council reverses, it shall order restitution at the city's expense.

**1001.10 Permit Revocation.** Any permit holder who fails to comply with a valid order of the building official within the allotted time period, or who fails to pay reasonable removal or repair expenses assessed under the preceding section, shall have the permit as to such sign or signs revoked, and another permit for the erection or maintenance of such sign or signs shall not be issued to said permit holder for a period of one (1) year from the date of revocation.

**1001.11 Wind Pressure and Dead Load Requirements.** All signs and other advertising structures shall be designed and constructed to withstand a wind pressure of not less than forty (40) pounds per square foot of area, and shall be constructed to receive dead loads as required in the building code or other ordinances of the city.

**1001.12 Removal of Certain Signs.** Any sign now or hereafter existing which no longer advertises a bona fide business conducted or a product sold, shall be taken down and removed by the owner, agent, or person having the beneficial use of the building or structure upon which such sign may be found within ten (10) days after written notification from the building official, and, upon failure to comply with such notice within the time specified in such order, the building official is hereby authorized to cause removal of such signs, and any expense incident thereto shall be paid by the owner of the building or structure to which such sign is attached.

**1001.13 Exemptions.** The provisions and regulations of this chapter shall not apply to the following signs, provided, however, said signs shall be subject to the provisions of Section 1001.10.

1. Real estate signs not exceeding eight (8) square feet in area which advertise the sale, rental or lease of the premises upon which said signs are located only.
2. Professional name plates not exceeding one (1) square foot in area.
3. Signs painted on the exterior surface of a building or structure, provided, however, if said signs have raised borders, letters, characters, decorations or lighting appliances, they shall be subject to the provisions of Section 1001.20 and all applicable provisions of this chapter.
4. Bulletin boards not over twenty (20) square feet in area for public, charitable or religious institutions when the same are located on the premises of said institutions.
5. Signs denoting the architect, engineer or contractor when placed upon work under construction, and not exceeding sixteen (16) feet in area.
6. Occupational signs denoting only the name and profession of an occupant in a commercial building, public institutional building or dwelling house, and not exceeding two (2) square feet in area.
7. Memorial signs or tablets, names of buildings, and date of erection when cut into any masonry surface or when constructed of bronze or other incombustible materials.
8. Traffic or other municipal signs, legal notices, railroad crossing signs, danger, and such temporary, emergency or non-advertising signs as may be approved by the city council.
9. Signs with historical value that comply with other sections of this chapter.

**1001.14 Obstructions to Doors, Windows or Fire Escapes.** No sign shall be erected, located, or maintained so as to prevent free ingress to or egress from any door, window or fire escape. No sign of any kind shall be attached to a standpipe or fire escape.

**1001.15 Signs Not to Constitute Traffic Hazard.** No sign or other advertising structure as regulated by this chapter shall be erected at the intersection of any streets in such a manner as to obstruct free and clear vision; or at any location where, by reason of the position, shape or color, it may interfere with, obstruct the view of, or be confused with any authorized traffic sign, signal, or device; or which makes use of the words, "STOP", "LOOK", "DRIVE-IN", "DANGER", or any other word, phrase, symbol, or character in such a manner as to interfere with, mislead, or confuse traffic. No sign or other advertising structure as regulated by this chapter shall have posts, guides or supports located within any street or alley.

**1001.16 Face of Sign Shall be Smooth.** All signs or other advertising structures which are constructed on street lines, or within five (5) feet thereof, shall have a smooth surface and no nails, tacks or wires shall be permitted to protrude therefrom, except electrical reflectors and devices which may extend over the top and in front of the advertising structures.

**1001.17 Goose Neck Reflectors.** Goose neck reflectors and lights shall be permitted on ground signs, roof signs and wall signs, provided, however, the reflectors shall be provided with proper glass lenses concentrating the illumination upon the area of the sign as to prevent glare upon the street or adjacent property.

**1001.18 Spotlights and Floodlights Prohibited.** It shall be unlawful for any person to maintain any sign which extends over public property which is wholly or partially illuminated by floodlights or spotlights.

**1001.19 Ground Signs.**

1. Letters, etc., To Be Secured. All letters, figures, characters or representations in cut-out or irregular form, maintained in conjunction with, attached to, or superimposed upon any sign shall be safely and securely built or attached to the sign structure.
2. Height Limitation. It shall be unlawful to erect any ground sign whose total height is greater than twenty (20) feet above the level of the street upon which the sign faces, or above the adjoining ground level, if such ground level is above street level.
3. Space Between Sign and Ground and Other Signs and Structures. Ground signs shall have an open space not less than two (2) feet between the base line of said sign and the ground level. This open space may be filled in with a platform or decorative lattice work which does not close off more than one-half of the square footage of such open space. No ground sign shall be nearer than two (2) feet to any other sign, building, or structure. Except temporary signs placed for promotion.
4. Bracing, Anchorage and Supports. All ground signs shall be securely built, constructed and erected upon posts and standards sunk at least three and one-half (3 1/2) feet below the natural surface of the ground, and shall be supported and braced by timbers or metal rods in the rear thereof, extending from the top thereof to a point in the ground at least a distance equal to one-half the height of such sign, measured along the ground, from the posts or standards upon which the same is erected, except temporary signs placed for promotion.

5. Set-back Line. No ground sign shall be nearer the street than the building line established by law.
6. Temporary Signs. Temporary signs approved for placement upon the public right-of-way are limited to promotional purposes and may be approved for a term not to exceed five (5) days. Said permit is not renewable within 30 calendar days.
7. Supports, etc. To Be Treated with Creosote. All posts, anchors and bracing of wood shall be treated to protect them from moisture by creosote or other approved methods when they rest upon or enter into the ground.
8. Premises To Be Kept Free of Weeds, etc. All ground signs and the premises surrounding the same shall be maintained by the owner thereof in a clean, sanitary and inoffensive condition, and be free and clear of all obnoxious substances, rubbish and weeds.

#### **1001.20 Wall Signs.**

1. Limitation on Placement and Area. No wall sign shall cover wholly or partially any wall opening, nor project beyond the ends or top of the wall to which it is attached and any one wall sign shall not exceed an area of five hundred (500) square feet.
2. Projection Above Sidewalk and Set-back Line. No wall sign shall be permitted to extend more than six (6) inches beyond the building line, and shall not be attached to a wall at a height of less than ten (10) feet above the sidewalk or ground.
3. Supports and Attachment. All wall signs shall be safely and securely attached to the building wall by means of metal anchors, bolts or expansion screws of not less than 3/8 inch in diameter embedded in said wall at least five (5) inches; provided, however, that such signs may rest in, or be bolted to strong, heavy, metal brackets or saddles set not over six (6) feet apart, each of which shall be securely fixed to the wall as hereinbefore provided. In no case shall any wall sign be secured with wire, strips of wood or nails.
4. Wind Pressure and Dead Load Requirements. All wall signs shall conform to the requirements of Section 1001.11 of this chapter.

#### **1001.21 Roof Signs.**

1. Height and Area Limitations. No roof sign shall have a surface or facing exceeding three hundred (300) square feet, nor have its highest point extended more than twenty (20) feet above the roof level.
2. Set-back from Roof Edge. No roof sign shall be erected or maintained with the face thereof nearer than five (5) feet to the outside wall toward which the sign faces.
3. Space Between Sign and Roof. All roof signs shall have a space at least five (5) feet in height between the base of the sign and the roof level, and have at least five (5) feet clearance between the vertical supports thereof.

4. Prohibited Obstructions. No roof sign shall be placed on the roof of any building or structure in such manner as to prevent free passage from one part of said roof to another part thereof or interfere with openings in said roof and shall comply with Section 1001.16 of this chapter.

5. Bracing, Anchorage and Supports. Every roof sign shall be thoroughly secured to the building by iron or other metal anchors, bolts, supports, rods or braces. When erected upon buildings which are not constructed entirely of fireproof material, the bearing plates of the sign shall bear directly upon masonry walls and intermediate steel columns in the building. No roof sign shall be supported or anchored to the wooden framework of a building.

6. Wind Pressure and Dead Load Requirements. All roof signs shall conform to the requirements of Section 1001.11 of this chapter.

### **1001.22 Projecting Signs.**

1. Approval Required. Every projecting sign, including the frames, braces and supports thereof, shall be designed by a structural engineer or manufacturer, and shall be approved by the building official as in compliance with the building code and by the electrical inspector as in compliance with the electrical code, shall be constructed of incombustible materials, shall be illuminated, and shall be two-faced.

2. Illumination. The reflectors shall be provided with the proper glass lenses concentrating the illumination upon the area of the sign and preventing glare upon the street or adjacent property; and no floodlights, spotlights or reflectors of the goose neck type shall be permitted on projecting signs.

3. Movable Parts To Be Secured. Any movable part of a projecting sign such as the cover of a service opening shall be securely fastened by chains or hinges.

4. Area Limitations. Projecting signs shall be limited in area as follows:

A. Horizontal projecting signs fifty (50) square feet each side. Horizontal projecting sign means any sign which is greater in width than in height.

B. Vertical projecting signs one hundred (100) square feet each side. Vertical projecting sign means any sign which is greater in height than in width.

5. Thickness Limitation. The distance measured between the principal faces of any projecting sign shall not exceed eighteen (18) inches.

6. Projection Over Public Property. Every projecting sign shall be placed at least twelve (12) feet above the public sidewalk over which it is erected, and of a distance not greater than two (2) feet from the face of the wall to which it is attached, measuring from the point of the sign nearest thereto, nor less than one (1) foot. Every projecting sign erected over public driveways, alleys and thoroughfares shall be placed not less than fifteen (15) feet above the level of same.

7. Obstructions and Traffic Hazards. Every projecting sign shall be erected in full compliance with Sections 1001.16 and 1001.17 of this chapter.

8. Bracing, Anchorage and Supports. Projecting signs exceeding ten (10) square feet in area or fifty (50) pounds in weight shall not be attached to or supported by frame buildings or the wooden framework of a building. Said signs shall be attached to masonry walls with galvanized expansion bolts at least 3/8 inch in diameter, shall be fixed in the walls by means of bolts extending through the wall, and shall contain proper size metal washer or plate on the inside of the wall.

9. Anchorage With Wire, etc., Prohibited. No projecting sign shall be secured with wire, strips of wood or nails, nor shall any projecting sign be hung or secured to any sign.

10. V-shaped Signs Prohibited. V-shaped signs, consisting of two (2) single faced signs erected without a roof or ceiling, shall not be permitted.

**1001.23 Removal Upon Abandonment of Use.** It is the responsibility of the owner of the sign to remove such sign when its advertising or other commercial use is abandoned.

## CHAPTER 11

### NONCONFORMING STRUCTURES AND USES

#### SECTION 1101 GENERAL

**1101.1 Continuance.** Except as otherwise required by law, a structure or use legally established prior to the adoption date of this code may be maintained unchanged. In other than criminal proceedings, the owner, occupant or user shall have the burden to show that the structure, lot or use was lawfully established.

#### SECTION 1102 DISCONTINUANCE

**1102.1 Vacancy.** Any lot or structure, or portion thereof, occupied by a nonconforming use, which is or hereafter becomes vacant and remains unoccupied by a nonconforming use for a period of six months shall not thereafter be occupied, except by a use which conforms to this code.

**1102.2 Damage.** Any nonconforming structure as defined in the City Of Clarinda Zoning Code 1998 as a Dwelling, which has been destroyed or damaged by fire, explosion, act of God or by a public enemy to the extent of less than one hundred percent (100%) of the structure's assessed value may be restored to the same degree of nonconformity or less.

#### SECTION 1103 ENLARGEMENTS AND MODIFICATIONS

**1103.1 Maintenance and Repair.** Maintenance, repairs and structural alterations shall be permitted to be made to nonconforming structures or to a building housing a nonconforming use with valid permits.

**1103.2 Changes of Nonconforming Use.** A change of use of a nonconforming use of a structure or parcel of land shall not be made except to that of a conforming use. Where such change is made, the use shall not thereafter be changed back to a nonconforming use.

**1103.3 Additions.** All additions to nonconforming structures shall conform to the requirements of this code. Additions to structures housing nonconforming uses that increase the area of a nonconforming use shall not be made.

## CHAPTER 12

### CONDITIONAL USES

#### SECTION 1201 GENERAL

**1201.1 Conditional-Use Permit.** A conditional-use permit shall be obtained for certain uses which may be harmonious under special conditions and in specific locations within a zone, but shall not be allowed under the general conditions of the zone as stated in this code.

#### SECTION 1202 APPLICATIONS

**1202.1 Submittal.** All conditional-use permit applications shall be submitted to the code official as provided in this code. All applications shall be accompanied by maps, drawings, statements or other documents in accordance with the provisions of Section 105.7.4. A fee of \$25.00 shall be collected at the time of submittal of a conditional-use permit.

#### SECTION 1203 PUBLIC HEARING

**1203.1 Hearing and Action.** Prior to the approval, amending or denial of a conditional-use permit, a public hearing shall be held in accordance with the provisions of Section 108.1. Upon the completion of said public hearing, the commission or examiner shall render a decision within a time limit as required by law.

#### SECTION 1204 DETERMINATION

**1204.1 Authorization.** The hearing examiner on appeal, shall have the authority to impose conditions and safeguards as deemed necessary to protect and enhance the health, safety and welfare of the surrounding area. The authorization of a conditional-use permit shall not be made unless the evidence presented is such to establish:

1. That such use will not, under the specific circumstances of the particular case, be detrimental to the health, safety or general welfare of the surrounding area and that the proposed use is necessary or desirable and provides a service or facility that contributes to the general well being of the community.
2. That such use will comply with the regulations and conditions specified in this code for such use.
3. The planning commission or hearing examiner shall itemize, describe or justify, then have recorded and filed in writing, the conditions imposed on the use.

**SECTION 1205  
EXPIRATION AND REVOCATION**

**1205.1 General.** Any granted conditional-use permit shall become null and void within one year or the date of approval if not exercised. A conditional-use permit shall be considered exercised when the use has been established or when a building permit has been issued and substantial construction accomplished. If such permit is abandoned or discontinued for a period of one year, it may not be reestablished unless authorized by the planning and zoning commission, hearing examiner or city council on appeal.

A conditional-use permit may be revoked if the applicant fails to comply with the conditions imposed by the hearing examiner.

**SECTION 1206  
AMENDMENTS**

**1206.1 General.** An amendment to an approved conditional-use permit shall be submitted to the code official accompanied by supporting information. The planning commission or hearing examiner shall review the amendment and shall be permitted to grant, deny or amend such amendment and impose conditions deemed necessary.

**SECTION 1207  
CONDITIONAL USE REVIEW CRITERIA**

**1207.1 General.** A request for a conditional use shall be permitted to be approved, approved with conditions or denied. Each request for a conditional use approval shall be consistent with the criteria listed below:

1. The request is consistent with all applicable provisions of the comprehensive plan.
2. The request shall not adversely affect adjacent properties.
- 3 . The request is compatible with the existing or allowable uses of adjacent properties.
4. The request can demonstrate adequate public facilities, including roads, drainage, potable water, sanitary sewer, and police and fire protection exist or will exist to serve the requested use at the time such facilities are needed.
5. The request can demonstrate adequate provision for maintenance of the use and associated structures.
6. The request has minimized, to the degree possible, adverse affects on the natural environment.
7. The request will not create undue traffic congestion.
8. The request will not adversely affect the public health, safety or welfare.

9. The request conforms to all applicable provisions of this code.

## CHAPTER 13

### PLANNED UNIT DEVELOPMENT

#### SECTION 1301 GENERAL

**1301.1 Planned Unit Developments.** Planned Unit Developments (PUDs) shall be allowed by planning and zoning commission approval in any zoning district. No such planned unit development permit shall be granted unless such development will meet the use limitations of the zoning district in which it is located and meet the density and other limitations of such districts, except as such requirements may be lawfully modified as provided by this code. Compliance with the regulations of this code in no way excuses the developer from the applicable requirements of a subdivision ordinance, except as modifications thereof are specifically authorized in the approval of the application for the planned unit development.

These regulations are to encourage and provide means for effecting desirable and quality development by permitting greater flexibility and design freedom than that permitted under the basic district regulations, and to accomplish a well balanced, aesthetically satisfying city and economically desirable development of building sites within a PUD. These regulations are established to permit latitude in the development of the building site if such development is found to be in accordance with the purpose, spirit and intent of this ordinance and is found not to be hazardous, harmful, offensive or otherwise adverse to the environment, property values or the character of the neighborhood or the health, safety and welfare of the community. It is intended to permit and encourage diversification, variation and imagination in the relationship of uses, structures, open spaces and heights of structures for developments conceived and implemented as comprehensive and cohesive unified projects. It is further intended to encourage more rational and economic development with relationship to public services, and to encourage and facilitate preservation of open lands.

#### SECTION 1302 CONDITIONS

**1302.1 Area.** No planned unit development shall have an area less than that approved by the planning & zoning commission as adequate for the proposed development.

**1302.2 Uses.** A planned unit development which will contain uses not permitted in the zoning district in which it is to be located will require a change of zoning district and shall be accompanied by an application for a zoning amendment, except that any residential use shall be considered a permitted use in a planned unit development which allows residential uses and shall be governed by density, design and other requirements of the planned unit development permit.

Where a site is situated in more than one use district, the permitted uses applicable to such property in one district may be extended into the adjacent use district.

**1302.3 Ownership.** The development shall be in single or corporate ownership at the time of application, or the subject of an application filed jointly by all owners of the property.

**1302.4 Design.** The planning & zoning commission shall require such arrangements of structures and open spaces within the site development plan as necessary to ensure that adjacent properties will not be adversely affected.

**1302.4.1 Density.** Density of land use shall in no case be more than fifteen percent (15%) higher than allowed in the zoning district.

**1302.4.2 Arrangement.** Where feasible, the least height and density of buildings and uses shall be arranged around the boundaries of the development.

**1302.4.3 Specific Regulations.** Lot area, width, yard, height, density and coverage regulations shall be determined by approval of the site development plan.

**1302.5 Open Spaces. Preservation, maintenance and ownership of required open spaces within the development shall be accomplished by either:**

1. Dedication of the land as a public park or parkway system, or
2. Creating a permanent, open space easement on and over the said private open spaces to guarantee that the open space remain perpetually in recreational use, with ownership and maintenance being the responsibility of an owners' association established with articles of association and bylaws which are satisfactory to the city council.

**1302.6 Landscaping.** Landscaping, fencing and screening related to the uses within the site and as a means of integrating the proposed development into its surroundings shall be planned and presented to the planning & zoning commission for approval. Together with other required plans for the development. A planting plan showing proposed tree and shrubbery plantings shall be prepared for the entire site to be developed. A grading and drainage plan shall also be submitted to the planning & zoning commission with the application.

**1302.7 Signs.** The size, location, design and nature of signs, if any, and the intensity and direction of area or floodlighting shall be detailed in the application.

**1302.8 Desirability.** The proposed use of the particular location shall be shown as necessary or desirable, to provide a service or facility which will contribute to the general well being of the surrounding area. It shall also be shown that under the circumstances of the particular case, the proposed use will not be detrimental to the health, safety or general welfare of persons residing in the vicinity of the planned unit development.

**SECTION 1303  
PLANNING & ZONING COMMISSION DETERMINATION**

**1303.1 Considerations.** In carrying out the intent of this section, the planning & zoning commission shall consider the following principles:

1. It is the intent of this section that site and building plans for a PUD shall be prepared by a designer or team of designers having professional competence in urban planning as proposed in the application. The commission shall be permitted to require the applicant to engage such professional expertise as a qualified designer or design team.
2. It is not the intent of this section that control of the design of a PUD by the planning & zoning commission be so rigidly exercised that individual initiative be stifled and substantial additional expense incurred; rather, it is the intent of this section that the control exercised be the minimum necessary to achieve the purpose of this section.
3. The planning & zoning commission may approve or disapprove an application for a PUD. In an approval, the commission shall be permitted to attach such conditions as it may deem necessary to secure compliance with the purposes set forth in this chapter. The denial of an application for a PUD by the planning commission shall be permitted to be appealed to the city council.

**SECTION 1304  
REQUIRED CONTRIBUTIONS**

**1304.1 General.** The city council, as part of the approval of a PUD, shall be permitted to require an applicant to make reasonable contributions includes, but is not limited to any combination of the following:

1. Dedication of land for public park purposes.
2. Dedication of land for public school purposes.
3. Dedication of land for public road right-of-way purposes.
4. Construction of or addition to roads serving the proposed project when such construction or addition is reasonably related to the traffic to be generated.
5. Installation of required traffic safety devices.
6. Preservation of areas containing significant natural, environmental, historic, archeological or similar resources.

**SECTION 1305**  
**PLANNING & ZONING COMMISSION ACTION**

**1305.1 Approval.** In order that it may approve a planned unit development, the planning & zoning commission shall have authority to require that the following conditions (among others it deems appropriate) be met by the applicant:

1. That the proponents intend to start construction within one year of either the approval of the project or of any necessary zoning district change, and intend to complete said construction, or approved stages thereof, within four years from the date construction begins.
2. That the development is planned as one complex land use rather than as an aggregation of individual and unrelated buildings and uses.

**1305.2 Limitations on Application.**

1. Upon approval of a PUD, construction shall proceed only in accordance with the plans and specifications approved by the planning & zoning commission and in conformity with any conditions attached by the city as to its approval.
2. Amendment to approved plans and specifications for a PUD shall be obtained only by following the procedures here outlined for first approval.
3. The code official shall not issue any permit for any proposed building, structure or use within the project unless such building, structure or use is in accordance with the approved development plan and with any conditions imposed in conjunction with its approval.