

TITLE V - BUILDING AND PROPERTY REGULATIONS

CHAPTER 121

ZONING REGULATIONS

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121.01 SHORT TITLE. This chapter shall be known and may be cited as the "City of Menlo, Iowa, Zoning Ordinance."

121.02 PURPOSE. The purpose of this chapter is to provide adequate light and air, to prevent the overcrowding of land, to avoid undue concentration of population, to regulate the use of land, and to promote the health, safety, and general welfare in the City of Menlo, Iowa.

121.03 APPLICATION OF DISTRICT REGULATIONS. The regulations set by this chapter within each district shall be minimum regulations and shall apply uniformly to each class or kind of structure or land, and particularly, except as hereinafter provided:

1. No building, structure, or land shall hereafter be used or occupied, no building or structure or part thereof shall hereafter be erected, constructed, reconstructed, moved, or structurally altered except in conformity with all the regulations herein specified for the district in which it is located.
2. No part of a yard, or other open space, or off-street parking or loading space required about or in connection with any building for the purpose of complying with this chapter, shall be included as part of a yard, open space, or off-street parking or loading space similarly required for any other building.
3. No yard or lot existing at the time of passage of this chapter shall be reduced in dimension or area below the minimum requirements set forth herein. Yards or lots created after the effective date of this chapter shall meet at least the minimum requirements established by this chapter.
4. Whenever the requirements of this chapter are at variance with the requirements of any other lawfully adopted rules, regulations, ordinances, deed restrictions, or covenants, the most restrictive or that imposing the higher standards shall govern.
5. All structures existing, as of the effective date of this chapter and which comply with the terms and conditions of this chapter, shall be considered lawful and be allowed to continue and exist or be reconstructed as they currently exist.

121.04 ESTABLISHMENT OF DISTRICTS: PROVISION FOR OFFICIAL ZONING MAP.

1. Official Zoning Map. The City shall be divided into districts, as shown on the Official Zoning Map which, together with all explanatory matter thereon, shall be adopted by ordinance. The Official Zoning Map shall be identified by the signature of the Mayor, attested by the Clerk, under the following words: "This is to certify that this is the Official Zoning Map referred to in Section 121.04 of Ordinance No. _____ of the City of Menlo, Iowa," together with the date of adoption.

If, in accordance with the provisions of this chapter and Chapter 414, Code of Iowa, changes are made in district boundaries or other matter portrayed on the Official Zoning Map,

such changes shall be entered on the Official Zoning Map promptly after the amendment has been approved by the City Council, with an entry on the Official Zoning Map as follows: "By official action of the City Council, the following changes were made in the Official Zoning Map." (Indicating the changes by ordinance numbers and date of publication.)

No amendment of this chapter which involves matter portrayed on the Official Zoning Map shall become effective until after such change and entry has been made on said map.

2. Annexation of New Land. Any land annexed to the City after the effective date of this chapter shall be zoned (AG) Agricultural until the Zoning Commission and City Council shall have studied the area and adopted a final zoning plan for the area in accordance with this chapter.

3. Replacement of the Official Zoning Map. In the event that the Official Zoning Map becomes damaged, destroyed, lost or difficult to interpret because of the nature or number of changes and additions, the City Council may by ordinance adopt a new Official Zoning Map which shall supersede the prior Official Zoning Map. The new Official Zoning Map may correct drafting or other errors or omissions in the prior Official Zoning Map, but no such correction shall have the effect of amending the original Official Zoning Map or any subsequent amendment thereof. The new Official Zoning Map shall be identified by the signature of the Mayor, attested by the City Clerk, and bearing the Seal of the City under the following words: "This is to certify that this Official Zoning Map supersedes and replaces the Official Zoning Map adopted as part of Ordinance No. _____ of the City of Menlo, Iowa."

Unless the prior Official Zoning Map has been lost or has been totally destroyed, the prior map or any significant parts thereof remaining shall be preserved, together with all available records pertaining to its adoption or amendment.

121.05 RULES INTERPRETATION OF DISTRICT BOUNDARIES. Where uncertainty exists as to the boundaries of districts as shown on the Official Zoning Map, the following rules shall apply:

1. Boundaries indicated as approximately following the centerlines of streets, highways, or alleys shall be construed to follow such centerlines;

2. Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines;
3. Boundaries indicated as approximately following City limits shall be construed as following such City limits;
4. Boundaries indicated as following railroad lines shall be construed to be midway between the main tracks;
5. Boundaries indicated as parallel to or extensions of features indicated in Subsections 1 through 3 above shall be so construed. Distances not specifically indicated on the Official Zoning Map shall be determined by the scale of the map;
6. Where physical or cultural features existing on the ground are at variance with those shown on the Official Zoning Map, or in other circumstances not covered by Subsections 1 through 5 above, the Board of Adjustment shall interpret the district boundaries;
7. Where a district boundary line divides a lot which was in single ownership at the time of adoption of this chapter, the Board of Adjustment may permit, as a special exception, the extension of the regulations for either portion of the lot not to exceed 50 feet beyond the district line into the remaining portion of the lot;
8. Whenever Council vacates and disposes of a street or alley, adjacent districts shall extend to the centerline of the vacation;
9. Whenever a variance exists between the Zoning Map and the legal description on an amendment to this chapter, the legal description applies.

121.06 DEFINITIONS. For the purposes of this chapter, certain terms or words used herein shall be interpreted as follows:

The words "used" or "occupied" include the words "intended," "designed," or "arranged to be used or occupied."

The word "lot" includes the words "plot" or "parcel."

1. "Abutting" means having property or district lines in common.
2. "Access" means a way of approaching or entering a property from a public street or alley.

3. "Accessory Buildings" means a subordinate building located on the same lot with the main building, occupied by or devoted to an accessory use. Where an accessory building is attached to the main building in a substantial manner, as by a wall or roof, such accessory building shall be considered part of the main building.
4. "Accessory Use" means a use customarily incidental and subordinate to the main use or building and located on the same lot therewith. In no case shall such accessory use dominate, in area, extent or purpose, the principal lawful use or building.
5. "Agriculture" means the production, keeping or maintenance, for sale, lease, or personal use, of plants and animals useful to humans, including but not limited to: forages and sod crops; grains and seed crops; dairy animals and dairy products; poultry and poultry products; livestock, including beef cattle, sheep, swine, horses, mules, or goats, or any mutations or hybrids thereof including the breeding and grazing of any or all such animals; bees and apiary products; fur animals; trees and forest products; fruits of all kinds; vegetables; or lands devoted to a soil conservation or forestry management program.
6. "Alley" means a public way, other than a street, twenty (20) feet or less in width, affording secondary means of access to abutting property.
7. "Basement" means a story having part but not more than one-half (1/2) its height above grade. A basement shall be counted as a story if the vertical distance from the average adjoining grade to its ceiling is over five (5) feet.
8. "Bed and Breakfast Houses" means a house or portion thereof where short-term lodging, rooms, and meals are provided. The operator shall live on the premises.
9. "Board" means the Board of Adjustment.
10. "Boarding Houses" means a building other than a hotel where, for compensation, meals and lodging are provided for four (4) or more persons.
11. "Building" means any structure designed or intended for the support, enclosure, shelter, or protection of persons, animals, or property, but not including signs or billboards and not including structures or vehicles originally designed for transportation purposes.

12. "Building, Height of" means the vertical distance from the average natural grade at the building line to the highest point of the coping of a flat roof, or to the deck line of a mansard roof, or to the mean height level between eaves and ridge for gable, hip, and gambrel roofs.

13. "District" means a section or sections of the City within which the regulations governing the use of buildings and premises or the height and area of buildings and premises are uniform.

14. "Dwelling" means any building or portion thereof designed or used exclusively for residential purposes, but not including a tent, cabin, trailer, or mobile home.

15. "Dwelling, Multiple" means a building or portion thereof designed for or occupied exclusively for residence purposes by two or more families.

16. "Dwelling, Single-family" means a building designed for or occupied exclusively by and for residence purposes by one family.

17. "Family" means one or more persons related by blood, marriage or adoption occupying a single dwelling unit. A family shall not include more than 4 persons unrelated by blood, marriage or adoption; however, domestic employees employed on the premises may be housed on the premises without being counted as a family or families.

18. "Family Home" means a community-based residential home which is licensed as a residential care facility under Chapter 135C or as a child foster care facility under Chapter 237 to provide room and board, personal care, habilitation services, and supervision in a family environment exclusively for not more than eight developmentally disabled persons and any necessary support personnel. However, family home does not mean an individual foster care family home licensed under Chapter 237.

19. "Garage" means a building or portion thereof in which a motor vehicle containing gasoline, distillate or other volatile, flammable liquid in its tank is stored, repaired, or kept.

20. "Garage, Private" means a building or part thereof accessory to a main building and providing for the storage of automobiles and in which no occupation or business for profit is carried on.

21. "Garage, Public or Storage" means a building or part thereof other than a private garage for the storage of motor vehicles and in which service station activities may be carried on.

22. "Grade" means the average elevation of the finished ground at the exterior walls of the main building.

23. "Health Care Facility" means any residential care facility, intermediate care facility, or skilled nursing facility.

A. Residential Care Facility - Any institution, place, building, or agency providing for a period exceeding twenty-four consecutive hours accommodation, board, personal assistance and other essential daily living activities to three or more individuals, not related to the administrator or owner thereof within the third degree of consanguinity, who by reason of illness, disease, or physical or mental infirmity are unable to sufficiently or properly care for themselves but who do not require the services of a registered or licensed practical nurse except on an emergency basis.

B. Intermediate Care Facility - Any institution, place, building or agency providing for a period exceeding twenty-four consecutive hours accommodation, board, and nursing services, the need for which is certified by a physician, to three or more individuals, not related to the administrator or owner thereof within the third degree of consanguinity, who by reason of illness, disease, or physical or mental infirmity require nursing services which can be provided only under the direction of a registered nurse or a licensed practical nurse.

C. Skilled Nursing Facility - Any institution, place, building, or agency providing for a period exceeding twenty-four consecutive hours accommodation, board, and nursing services, the need for which is certified by a physician, to three or more individuals not related to the administrator or owner thereof within the third degree of consanguinity, who by reason of illness, disease, or physical or mental infirmity require continuous nursing care services and related medical services, but do not require hospital care. The nursing care services provided must be under the direction of a registered nurse on a twenty-four hour per day basis.

24. "Home Occupation" means an occupation conducted in a dwelling unit, provided that:

A. No person other than members of the family residing on the premises shall be engaged in such occupation, except by special exception by the Board of Adjustment;

B. The use of the dwelling unit for the home occupation shall be clearly incidental and subordinate to its use for residential purposes by its occupants, and not more than 25 percent of the gross floor area of the dwelling unit shall be used in the conduct of the home occupation;

C. There shall be no change in the outside appearance of the building or premises, or other visible evidence of the conduct of such home occupation other than one sign, not exceeding one square foot in area, non-illuminated, and mounted flat against the wall of the principal building;

D. No home occupation shall be conducted in any accessory building, except by special exception of the Board of Adjustment;

E. No traffic shall be generated by such home occupation in greater volumes than would normally be expected in a residential neighborhood, and any need for parking generated by the conduct of such home occupation shall be met by providing off-street parking and shall not be in a required front yard;

F. No equipment or process shall be used in such home occupation which creates noise, vibration, glare, fumes, odors, or electrical interference detectable to the normal senses off the lot, if the occupation is conducted in a single-family residence, or outside the dwelling unit if conducted in other than a single-family residence. No equipment or process shall be used which creates visual or audible interference in any radio or television receivers off the premises or causes fluctuations in line voltage off the premises.

25. "Hospital" means an institution which is devoted primarily to the maintenance and operation of facilities for the diagnosis, treatment or care over a period exceeding twenty-four hours of two or more nonrelated individuals suffering from illness, injury, or deformity, or a place which is

devoted primarily to the rendering over a period exceeding twenty-four hours of obstetrical or other medical or nursing care for two or more nonrelated individuals, or any institution, place, building or agency in which any accommodation is primarily maintained, furnished or offered for the care over a period exceeding twenty-four hours of two or more nonrelated aged or infirm persons requiring or receiving chronic or convalescent care, and shall include sanatoriums or other related institutions. Provided, however, this shall not apply to hotels or other similar places that furnish only food and lodging, or either, to their guests. "Hospital" shall include, in any event, any facilities wholly or partially constructed with federal financial assistance, pursuant to Public Law 725, 79th Congress, approved August 13, 1946.

26. "Hotel" means a building occupied as the more or less temporary residence of individuals who are lodged for compensation with or without meals, in which there are sleeping rooms or suites of rooms with no provision made for cooking in any individual room or suite of rooms, and entrance is through a common lobby or office.

27. "Junk Yard" means any area where waste, discarded or salvaged materials are bought, sold, exchanged, baled or packed, disassembled or handled, including places or yards for storage of salvaged house wrecking and structural steel materials and equipment; but not including areas where such uses are conducted entirely within a completely enclosed building and not including the processing of used, discarded or salvaged materials as part of manufacturing operations.

28. "Kennel" (Commercial) means an establishment in which dogs or domestic animals more than one year old are housed, groomed, bred, boarded, trained, or sold.

29. "Lodging House" means a building originally designed for or used as single-family, two-family, or multiple-family dwelling, all or a portion of which contains lodging rooms or rooming units which accommodate persons who are not members of the keeper's family. Lodging or meals, or both, are provided for compensation. The term "lodging house" shall be construed to include: boarding house, rooming house, fraternity house, sorority house and dormitories.

30. "Lot" means for purposes of this chapter, a parcel of land of at least sufficient size to meet minimum zoning requirements for use, coverage, and area, and to provide such

yards and other open spaces as are herein required. Such lot shall have frontage on an improved public street or on an approved private street and may consist of:

- A. A single lot of record;
- B. A portion of a lot of record;
- C. A combination of complete lots of record, or complete lots of record and portions of lots of record, or portions of lots of record;
- D. A parcel of land described by metes and bounds, provided that in no case of division or combination shall any residual lot or parcel be created which does not meet the requirements of this chapter.

31. "Lot Frontage" means the front of a lot shall be the portion nearest the street. For the purposes of determining yard requirements on corner lots and through lots, all sides of a lot adjacent to streets shall be considered frontage, and yards shall be provided as indicated under "Yards" in this section.

32. "Lot Measurements":

A. Width of a lot shall be the distance between straight lines connecting front and rear lot lines at each side of the lot, measured across the building line; provided, however, that width between side lot lines at their foremost points (where they intersect with the street line or front property line) shall not be less than 80 percent of the required lot width except in the case of lots on the turning circle of cul-de-sac where 80 percent requirement shall not apply.

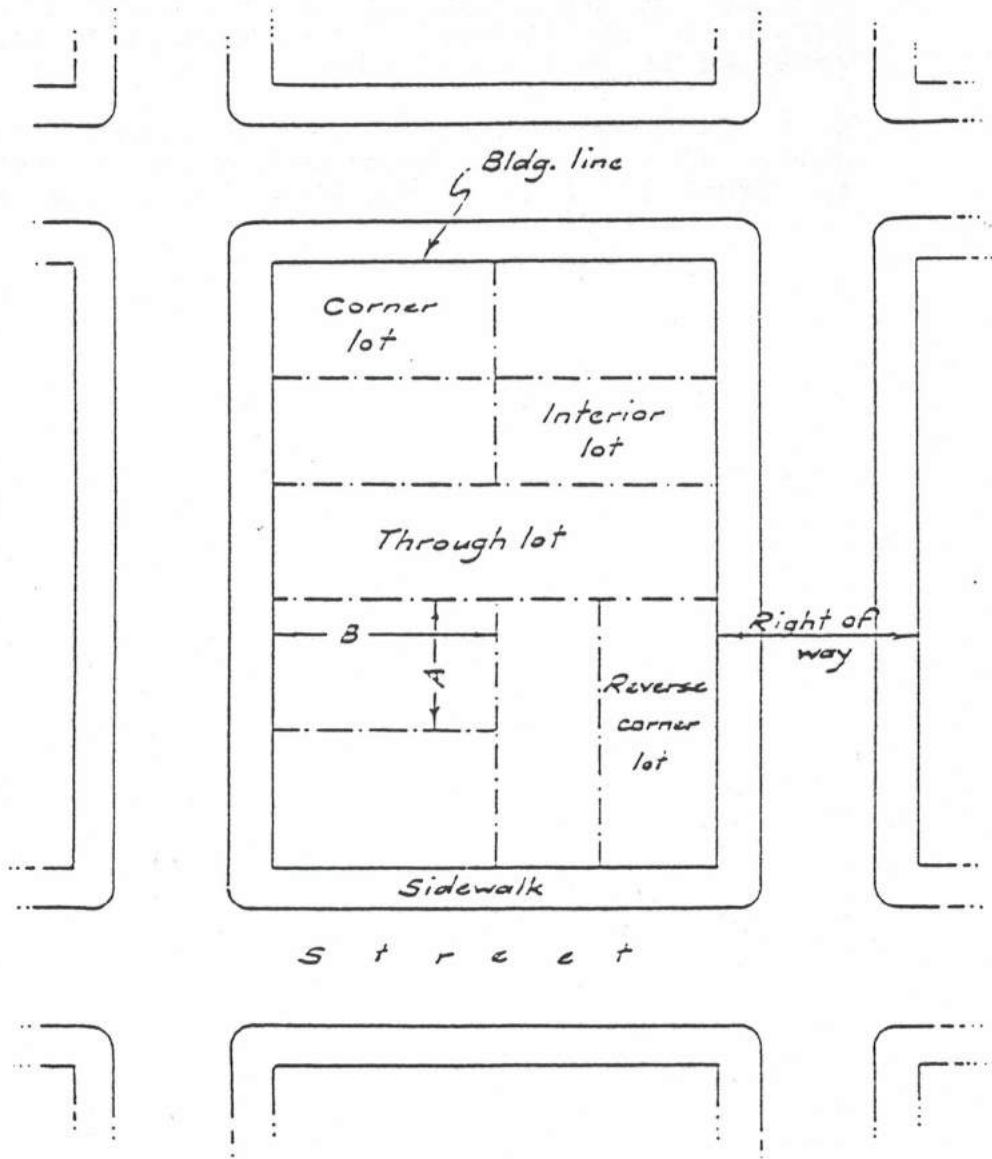
B. Depth of a lot shall be the distance between the mid-points of straight lines connecting the foremost points of the side lot lines in front and the rearmost points of the side lot lines in the rear.

33. "Lot of Record" means a lot which is part of a subdivision recorded in the Office of the County Recorder, or a lot or parcel described by metes and bounds, the description of which has been so recorded.

34. "Lot Types" - Plate 1 illustrates terminology used in this chapter with reference to "corner" lots, "interior" lots, "through" lots, and "reversed corner" lots as follows:

- A. "corner" lot - a lot located at the intersection of two or more streets.
- B. "interior" lot - a lot other than a corner lot with only one frontage on a street other than an alley.
- C. "through" lot - a lot other than a corner lot with frontage on more than one street other than an alley. Lots with frontage on two nonintersecting streets may be referred to as "through" lots.
- D. "reversed corner" lot - a corner lot, the side street line of which is substantially a continuation of the front lot line of the first lot to its rear.

CHART - LOT



A—Width of lot
B—Length of lot

35. "Manufactured Home" means a manufactured home shall be located and installed according to the same standards, including but not limited to, a foundation system, set-back, and minimum square footage which would apply to a site-built, single-family dwelling on the same lot. A manufactured home is a factory-built structure, which is manufactured or constructed under the authority of 42 U.S.C. Section 4403 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 Section 435.1 of the Code of Iowa is not a manufactured home, unless it has been converted to real property as provided in Section 435.26 of the Code of Iowa and shall be taxed as a site-built dwelling. This section shall not be construed as abrogating a recorded restrictive covenant.

36. "Mobile Home" means any structure used for living, sleeping, business or storage purposes, having no foundation other than wheels, blocks, skids, jacks, horses, or skirtings, and which is, has been, or reasonably may be equipped with wheels or other devices for transporting the structure from place to place, whether by motive power or other means. The term "mobile home" shall include camp car and house car.

37. "Modular Home" means factory-built housing certified as meeting the State Building Code as applicable to modular housing. Once certified by the State, modular homes shall be subject to the same standards as site-built homes.

38. "Motel" (Also Motor Hotel, Motor Court, Motor Lodge, or Tourist Court) means a building or group of buildings designed to provide sleeping accommodations to transient guests for compensation, and provides near each guest room a parking space for the guest's vehicle. A swimming pool, restaurant, meeting rooms, management offices and other such accessory facilities may be included.

39. "Nonconformities" means lots, structures, uses of land and structures, or characteristics of uses, which are prohibited under the terms of the Zoning Ordinance but were lawful at the date of this chapter's enactment.

40. "Nursing or Convalescent Home" means a building or structure having accommodations and where care is provided for invalid, infirm, aged, convalescent, or physically disabled persons, not including insane and other mental cases, inebriate, or contagious cases.

41. "Parking Space" means an area of not less than one hundred eighty (180) square feet either within a structure or in the open, exclusive of driveway or access drives, for the parking of a motor vehicle.

42. "Permitted Use" means a use by right which is specifically authorized in a particular zoning district.

43. "Principal Use" means the main use of land or structures as distinguished from an accessory use.

44. "Projections" (into yards) means parts of buildings such as architectural features that extend beyond the building's exterior wall.

45. "Service Station" (Gas Station) means a building or premises used for dispensing or offering for sale at retail any automobile fuels, oils, or having pumps and storage tanks therefor, or where battery, tire or any similiar services are rendered, and where vehicles are not parked for purposes of inspection or sale.

46. "Setback" means the required distance between every structure and lot line on the lot in which it is located.

47. "Signs" means any advertising device or surface out-of-doors, on or off premises, on which letters, illustrations, designs, figures or symbols are printed or attached and which conveys information or identification.

48. "Signs Off-Premises" means an advertising device including the supporting structure which directs the attention of the general public to a business, service, or activity not usually conducted or a product not usually sold upon the premises where such a sign is located. Such a sign shall not include: On-premises signs, directional or other official sign or signs which have a significant portion of their face devoted to giving public service information (date, time, temperature, weather, information, etc.).

49. "Signs On-Premises" means an advertising device concerning the sale or lease of the property upon which they are located and advertising devices concerning activities conducted or products sold on the property upon which they are located.

50. "Statement of Intent" means a statement preceding regulations for individual districts, intended to characterize the districts and their legislative purpose.

51. "Story" means that portion of a building included between the surface of any floor and the surface of the floor next above it, or if there is no floor above it, then the space between the floor and the ceiling or roof next above it.
52. "Story, Half" means a space under a sloping roof which has the line of intersection of roof decking and wall face not more than four (4) feet above the top floor level. A half-story containing independent apartments or living quarters shall be counted as a full story.
53. "Street" means all property dedicated or intended for public or private use for access to abutting lands or subject to public easements therefor, and whether designated as a street, highway, thoroughfare, parkway, throughway, expressway, road, avenue, boulevard, lane, place, circle, or however otherwise designated.
54. "Street Line" means the right-of-way line of a street.
55. "Structural Alteration" means any change in the supporting members of a building, such as bearing walls or partitions, columns, beams or girders, or any complete rebuilding of the roof or the exterior walls.
56. "Structure" means anything constructed or erected which requires location on the ground or attached to something having location on the ground, including signs and billboards, but not including fences or walls used as fences.
57. "Use" means the purpose or activity for which a piece of land or its buildings is designed, arranged, or intended, or for which it is occupied or maintained.
58. "Variance" means a device used by the Board of Adjustment which grants a property owner relief from certain provisions of a Zoning Ordinance when, because of the particular physical surroundings, shape, or topographical condition of the property, compliance would result in particular hardship upon the owner, as distinguished from a mere inconvenience or a desire to make more money, and which condition is not of the owner's own making.
59. "Yard" means an open space on the same lot with a building, unoccupied and unobstructed by any portion of a structure from the ground upward, excepting as otherwise provided herein. In measuring a yard for the purpose of deter-

mining the depth of a front yard or the depth of a rear yard, the least distance between the lot line and the main building shall be used. Fences and walls are permitted in any yard, subject to height limitations as indicated herein.

60. "Yard, Front" means a yard extending across the full width of the lot and measured between the front lot line and the building or any projection thereof, other than the projection of the usual steps or unenclosed porches. The narrow frontage on a corner lot shall be considered the front yard, and on corner lots where both street frontages are equal, the front yard shall be either side for the purpose of selecting the rear yard. Corner lots shall meet the front yard requirements on each street frontage.

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

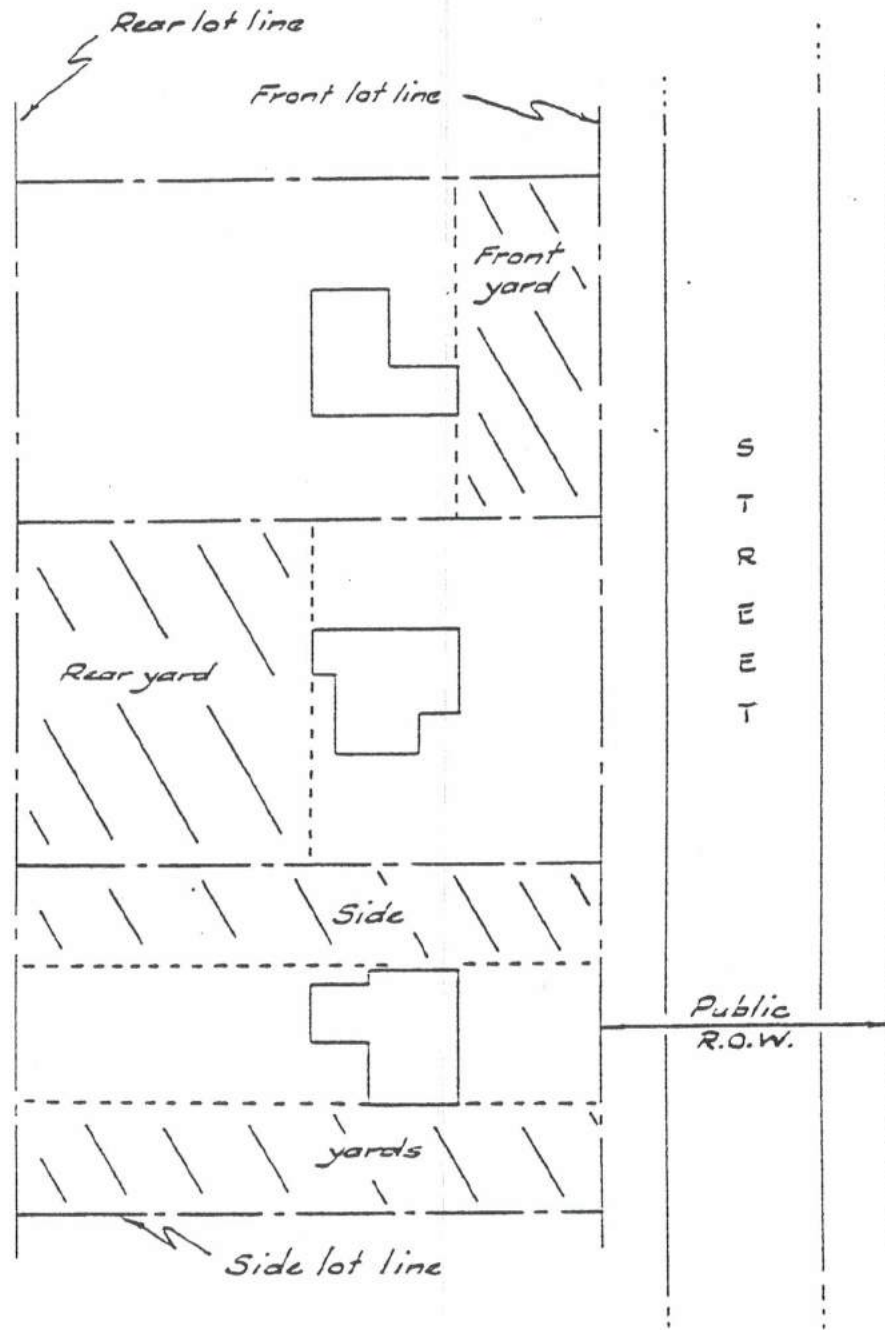
62. "Yard, Side" means a yard extending from the front yard to the rear yard and measured between the side lot lines and the building. On corner lots the yard not designated as front or rear yard shall be considered the side yard. Each corner lot shall have two fronts, a rear, and one side yard.

63. "Zoning/Building Administrator" means the local official responsible for reviewing Zoning/Building Permits and following a determination by the Zoning Board of Adjustment for special exceptions and variances. Decisions of the official may be appealed to the Board of Adjustment. Permits are issued by the Zoning/Building Administrator.

64. "Zoning District" means a section the City designated in the text of the Zoning Ordinance and delineated on the Zoning Map in which requirements for the use of land, the building and development standards are prescribed. Within each district, all requirements are uniform.

65. "Zoning Map" means the map delineating the boundaries of districts which, along with the zoning text, comprises the Zoning Ordinance.

CHART - YARD



121.07 INTENT. Within the districts established by this chapter there exist:

1. lots,
2. structures,
3. uses of land and structures, and
4. characteristics of use,

which were lawful before this chapter was passed or amended, but which are prohibited, regulated, or restricted under the terms of this chapter or future amendment. It is the intent of this chapter to permit these nonconformities to continue until they are removed, but not to encourage their survival. Further nonconformities shall not be enlarged upon, expanded or extended, nor be used as grounds for adding other structures or uses prohibited elsewhere in the same district.

To avoid undue hardship, nothing in this chapter shall be deemed to require a change in the plans, construction or designated use of any building on which actual construction was lawfully begun prior to the effective date of adoption or amendment of this chapter and upon which actual building construction has been carried on diligently. Actual construction is hereby defined to include the placing of construction materials in permanent position and fastened in a permanent manner. Where excavation or demolition or removal of an existing building has been substantially begun preparatory to rebuilding, such excavation or demolition or removal shall be deemed to be actual construction, provided that work shall be carried on diligently.

121.08 NONCONFORMING LOTS OF RECORD. In any district in which single-family dwellings are permitted, a single-family dwelling and customary accessory buildings may be erected on any single lot of record at the effective date of adoption or amendment of this chapter, provided other limitations imposed by this chapter are complied with. This provision shall apply even though such lot fails to meet the requirements for area or width, or both, if the lot shall conform to the regulations for the district in which such lot is located. Variance of yard requirements shall be obtained only through the action of the Board of Adjustment.

121.09 NONCONFORMING USES OF LAND (OR LAND WITH MINOR STRUCTURES ONLY). Where at the time of passage of this chapter lawful use of land exists which would not be permitted by the regulations imposed by this chapter, and where such use involves no individual structure with a replacement cost exceeding \$1,000.00, the use may be continued so long as it remains otherwise lawful, provided:

1. No such nonconforming use shall be enlarged or increased, nor extended to occupy a greater area of land than was occupied at the effective date of adoption or amendment of this chapter.
2. No such nonconforming use shall be moved in whole or in part to any other portion of the lot or parcel occupied by such use at the effective date of adoption or amendment of this chapter.
3. If any such nonconforming use of land ceases for any reason for a period of twelve (12) months, then any subsequent use of such land shall conform to the regulations specified by this chapter for the district in which such land is located.
4. No additional structure not conforming to the requirements of this chapter shall be erected in connection with such nonconforming use of land.

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

1. No such nonconforming structure may be enlarged or altered in such a way which increases its nonconformity, but any structure or portion thereof may be altered to decrease its nonconformity.
2. Should such nonconforming structure or nonconforming portion of structure be destroyed by any means to an extent of more than 50 percent of its replacement cost at time of destruction, it shall not be reconstructed except in conformity with the provisions of this chapter.
3. Should such structure be moved for any reason for any distance whatever, it shall thereafter conform to the regulations for the district in which it is located after it is moved.

121.11 NONCONFORMING USES OF STRUCTURES OR OF STRUCTURES AND PREMISES IN COMBINATION. If lawful use involving individual structures with a replacement cost of \$1,000.00 or more, or of structure and premises in combination, exists at the effective

date of adoption or amendment of this chapter that would not be allowed in the district under the terms of this chapter, the lawful use may be continued so long as it remains otherwise lawful, subject to the following provisions:

1. No existing structure devoted to a use not permitted by this chapter in the district in which it is located shall be enlarged, extended, constructed, reconstructed, or structurally altered except in changing the use of the structure to a use permitted in the district in which it is located.
2. Any nonconforming use may be extended throughout any parts of a building which were manifestly arranged or designed for such use at the time of adoption or amendment of this chapter, but no such use shall be extended to occupy any land outside such building.
3. If no structural alterations are made, any nonconforming use of a structure, or structure and premises, may as a special exception be changed to another nonconforming use provided that the Board of Adjustment, either by general rule or by making findings in the specific case, shall find that the proposed use is equally appropriate or more appropriate to the district than the existing nonconforming use. In permitting such change, the Board of Adjustment may require appropriate conditions and safeguards in accordance with the provisions of this chapter.
4. Any structure, or structure and land in combination, in or on which a nonconforming use is superseded by a permitted use, shall thereafter conform to the regulations for the district, and the nonconforming use may not thereafter be resumed.
5. When a nonconforming use of a structure, or structure and premises in combination, is discontinued or abandoned for twelve (12) consecutive months or for eighteen (18) months during any three-year period (except when government action impedes access to the premises) the structure, or structure and premises in combination, shall not thereafter be used except in conformity with the regulations of the district in which it is located.
6. When nonconforming use status applies to a structure and premises in combination, removal or destruction of the structure shall eliminate the nonconforming status of the land. Destruction for the purpose of the subsection is defined as damage to an extent of more than 50 percent of the replace-

ment cost at time of destruction. Replacement shall begin within 6 months of the time of destruction or the nonconforming status shall expire. Said construction shall also be completed within 18 months of the time of destruction or the nonconforming status shall expire.

121.12 REPAIRS AND MAINTENANCE. On any building devoted in whole or in part to any nonconforming use, work may be done on ordinary repairs, provided that the square footage of floor area of the building as it existed at the time of passage or amendment of this chapter shall not be increased.

121.13 USES UNDER SPECIAL EXCEPTION PROVISIONS NOT NONCONFORMING USES. Any use which is permitted as a special exception in a district under the terms of this chapter (other than a change through Board of Adjustment action from a nonconforming use to another use not generally permitted in the district) shall not be deemed a nonconforming use in such district, but shall without further action be considered a conforming use.

121.14 ADMINISTRATION AND ENFORCEMENT. A Zoning/Building Administrator designated by the City Council shall administer and enforce this chapter. The administrator may be provided with the assistance of such other persons as the City Council may direct. If the Zoning/Building Administrator shall find that any of the provisions of this chapter are being violated, the Zoning/Building Administrator shall notify in writing the person responsible for such violations, indicating the nature of the violation and noting the action necessary to correct it. The administrator shall also notify the City Attorney, who shall take any action necessary to correct the violation.

121.15 ZONING/BUILDING PERMITS REQUIRED. No building or other structure shall be erected, moved, or added to, without a permit therefor issued by the Zoning/Building Administrator. No zoning/building permit shall be issued except in conformity with the provisions of this chapter, except after written order from the Board of Adjustment. Fees for zoning/building permits shall be as provided by City Council. Zoning/building permits shall be applied for with the City Clerk and shall expire 2 years after the date of issuance if work is begun within 180 days of issuance or after 180 days if no substantial beginning of construction has occurred. Extensions of time may be granted in writing by the Zoning/Building Administrator for good cause.

121.16 RESIDENTIAL DWELLING STANDARDS. All single-family dwelling units shall meet the following minimum standards:

1. The minimum dwelling width shall be 22 feet at the exterior dimension.

2. All dwelling units including attached garages shall be placed on a permanent frost-free foundation.
3. All dwelling units shall provide for a minimum of 900 square feet of floor space.
4. All dwelling units shall have a minimum roof pitch of 3:12.

121.17 BOARD OF ADJUSTMENT: ESTABLISHMENT AND PROCEDURE.

1. Board Created. A Board of Adjustment is hereby established which shall consist of five (5) members. The terms of office of the members of the Board and the manner of their appointment shall be as provided by statute. Vacancies shall be filled for the unexpired term of any member whose term becomes vacant.

2. Proceedings of the Board of Adjustment. The Board of Adjustment shall adopt rules necessary to the conduct of its affairs and in keeping with the provisions of this chapter. Meetings shall be held at the call of the Chairperson and at such other time as the Board may determine. The Chairperson or, in the Chairperson's absence, the Acting Chairperson may administer oaths and compel the attendance of witnesses. All meetings shall be open to the public.

The Board of Adjustment shall, through its Secretary, keep minutes of its proceedings, showing the vote of each member upon each question or if absent or failing to vote indicating such fact, and shall keep records of its examinations and other official actions, all of which shall be immediately filed in the office of the Board and shall be a public record. All actions of the Board concerning special exceptions or variances shall also be recorded in the office of the County Recorder. It shall be the responsibility of the appellant to record said action and all corresponding stipulations and further said action shall take effect upon the Board receiving sufficient confirmation of the same. A copy of said action shall also be filed in the office of the Zoning/Building Administrator.

121.18 BOARD OF ADJUSTMENT: POWERS AND DUTIES. The Board of Adjustment shall have the following powers and duties:

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

A. Appeals to the Board may be taken by any person aggrieved, or by any officer, department, board or bureau of the City of Menlo affected by any decision of the administrative officer. Such appeal shall be taken within sixty (60) days by filing with the Zoning/Building Administrator, and with the Board a notice of appeal specifying the grounds thereof. The Zoning/Building Administrator shall forthwith transmit to the Board all papers constituting the record upon which the action appealed is taken.

B. The Board shall fix a reasonable time for the hearing of the appeal, and give not less than seven (7) days nor more than twenty (20) days' public notice in a paper of general circulation in Menlo, thereof, and decide the same within 30 days. At said hearing, any party may appear in person, by agent or by attorney.

C. Stay of Proceedings. An appeal stays all proceedings in furtherance of the action appealed, unless the Zoning/Building Administrator from whom the appeal is taken certifies to the Board of Adjustment, after the Notice of Appeal is filed with the Administrator, that by reason of facts stated in the certificate, a stay would, in the Administrator's opinion, cause imminent peril to life and property. In such case proceedings shall not be stayed other than by a restraining order which may be granted by the Board of Adjustment or by a court of record on application, on notice to the Zoning/Building Administrator from whom the appeal is taken and on due cause shown.

2. Special Exceptions: Conditions Governing Applications; Procedures. To hear and decide only such special exceptions as the Board of Adjustment is specifically authorized to pass on by the terms of this chapter, to decide such questions as are involved in determining whether special exceptions should be granted, and to grant special exceptions with such conditions and safeguards as are appropriate under this chapter, or to deny special exceptions when not in harmony with the purpose and intent of this chapter. A special exception shall not be granted by the Board of Adjustment unless and until:

A. A written application for a special exception is submitted indicating the section of this chapter under which the special exception is sought and stating the grounds on which it is requested;

B. The Board shall fix a reasonable time for the hearing of the special exception, and give not less than seven (7) days nor more than twenty (20) days' public notice in a paper of general circulation in Menlo, thereof, and decide the same within 30 days. At said hearing, any party may appear in person, by agent or by attorney;

C. The public hearing shall be held. Any party may appear in person, by agent or attorney;

D. The Board of Adjustment shall make a finding that it is empowered under the section of this chapter described in the application to grant the special exception and that the granting of the special exception will not adversely affect the public interest.

3. Variance, Conditions Governing Application; Procedures. To authorize upon appeal in specific cases such variance from the terms of this chapter as will not be contrary to the public interest, where, owing to special conditions, a literal enforcement of the provisions of this chapter would result in unnecessary hardship. A variance from the terms of this chapter shall not be granted by the Board of Adjustment unless and until:

A. A written application for a variance is submitted demonstrating:

(1) That special conditions and circumstances exist which are peculiar to land, structure, or building involved and which are not applicable to other lands, structures, or buildings in the same district;

(2) That literal interpretation of the provisions of this chapter would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this chapter;

(3) That the special conditions and circumstances do not result from the actions of the applicant;
and

(4) That granting the variance requested will not confer on the applicant any special privilege that is denied by this chapter to other lands, structures, or buildings in the same district.

No nonconforming use of neighboring lands, structures, or buildings in the same district, and no permitted or nonconforming use of land, structures, or buildings in other districts may be considered grounds for the issuance of a variance.

B. The Board shall fix a reasonable time for the hearing of the variance, and give not less than seven (7) days nor more than twenty (20) days' public notice in a paper of general circulation in Menlo, thereof, and decide the same within 30 days. At said hearing, any party may appear in person, by agent or by attorney;

C. The public hearing shall be held. Any party may appear in person, by agent or by attorney;

D. The Board of Adjustment shall make findings that requirements of Section 121.18 have been met by the applicant for a variance;

E. The Board of Adjustment shall further make a finding that the reasons set forth in the application justify the granting of the variance, and that the variance is the minimum variance that will make possible the reasonable use of the land, building, or structure;

F. The Board of Adjustment shall further make a finding that the granting of the variance will be in harmony with the general purpose and intent of this chapter, and will not be injurious to the neighborhood or otherwise detrimental to the public welfare.

In granting any variance, the Board of Adjustment may prescribe appropriate conditions and safeguards in conformity with this chapter. Violation of such conditions and safeguards, when made a part of the terms under which the variance is granted, shall be deemed a violation of this chapter and punishable under this chapter.

Under no circumstances shall the Board of Adjustment grant a variance to allow a use not permissible under the terms of this chapter in the district involved or any use expressly or by implication prohibited by the terms of this chapter in said district.

4. Approved Action by Board. The concurring vote of three members of the Board shall be necessary to reverse any order, requirement, decision, or determination of the Zoning/

Building Administrator, or to decide in favor of the applicant on any matter upon which it is required to pass under this chapter, or to effect any variation in the application of this chapter.

5. Council Review. The Council may provide for its review of variances granted by the Board of Adjustment before their effective date. The Council may remand a decision to grant a variance to the Board of Adjustment for further study. The effective date of the variance is, in such case, delayed for thirty (30) days from the date of the remand.

121.19 APPEALS FROM THE BOARD OF ADJUSTMENT. Any person or persons, or any taxpayer, department, board or bureau of the City, or other areas subject to this chapter aggrieved by any decision of the Board of Adjustment may seek review by a court of record of such decision in the manner provided by the laws of the State and particularly by Chapter 414, Code of Iowa.

121.20 DISTRICTS ESTABLISHED. The City is herewith divided into the following districts:

AG	Agricultural District
CN	Conservation District
RS	Residential District
MH	Mobile Home District
AC	Arterial Commercial District
BC	Business Commercial District
LI	Light Industrial District
HI	Heavy Industrial District

These districts are established as identified on the Official Zoning Map which, together with all explanatory matters thereon, is hereby adopted by reference and declared to be part of this chapter.

121.21 AG - AGRICULTURAL DISTRICT. This district is intended to provide for areas in which agriculture and related uses are encouraged as the principal use of land. However, uses which may be offensive to the surrounding area or to the community as a whole by reasons of noise, dust, smoke, odor, traffic or physical appearance or other similar factors are not permitted. The district prohibits urban density residential use until these areas may be served by utilities and services of the City. This district is also intended to preserve land suited for eventual development into other uses, pending proper timing for economical and practical provisions of streets, utilities, schools and other facilities, so that reasonably compact development will occur and the fiscal integrity of the City is preserved.

1. Permitted Uses. The following uses are permitted in the AG District:

A. Agriculture, including the usual agricultural buildings, dwellings and structures and excluding offensive uses.

B. Home occupations.

2. Accessory Uses. Uses of land or structure customarily incidental and subordinate to a permitted use in the AG District.

A. Living quarters of persons employed on the premises and not rented or otherwise used as a separate dwelling.

B. Private garages, barns and other farm buildings.

C. Roadside stands offering for sale only agricultural products or other products produced on the premises.

D. Temporary buildings for uses incidental to construction work. Such buildings shall be removed upon the completion or abandonment of the construction work.

E. Satellite dishes.

3. Special Exceptions. Certain uses may be permitted in the AG District subject to specific conditions and requirements intended to make them compatible with and acceptable to adjacent uses.

A. Cemeteries, crematories or mausoleums.

B. Commercial kennels.

C. Stables, private or public.

D. Greenhouses and nurseries.

E. Private recreational camps, golf courses and recreational facilities.

F. Public or private utility substations, relay stations, etc.

G. Churches or accessory facilities (on or off site).

4. Bulk Regulations. The following requirements shall provide for light and air around permitted uses and buildings in the AG District.

	<u>Min. lot area</u>	<u>Min. lot width</u>	<u>Min. front yard</u>	<u>Min. side yard</u>	<u>Min. rear yard</u>	<u>Max. height: the lesser of</u>
dwelling	2 acres	160 feet	50 feet	15 feet	50 feet	2½ stories or 35 feet
other uses	5 acres	200 feet	50 feet	25 feet	50 feet	2½ stories or 35 feet, excluding farm buildings

5. Off-street Parking. The following off-street parking requirements shall apply in the AG District:

A. Dwellings: two (2) parking spaces on the lot for each living unit in the building.

B. Churches: one (1) parking space on the lot for each 5 seats in the main auditorium.

C. Public buildings and facilities: one (1) parking space for each 300 square feet of gross floor area or one (1) parking space for each 5 seats in the main assembly area.

D. Roadside stands: one (1) parking space for each 50 square feet of enclosed floor area.

E. Greenhouses and nurseries: one (1) parking space per 1,000 square feet of enclosed floor area.

6. Off-street Loading. The following off-street loading requirements shall apply in the AG District:

A. All activities or uses allowed in the AG District shall be provided with adequate receiving facilities accessible by motor vehicle off any adjacent service drive or open space on the same zoning lot.

B. Loading shall not be permitted to block public right-of-way.

7. Signs. The following sign regulations shall apply to the AG District:

A. Off-premises signs, except real estate or political signs, are not permitted.

B. No sign may be lighted in a manner which impairs the vision of the driver of any motor vehicle.

C. No sign may obstruct the view of any highway or railroad so as to render dangerous the use of the highway.

D. No sign may imitate or resemble an official traffic control sign, signal or device.

E. Signs shall not encroach or extend over public right-of-way.

F. No sign may obscure or physically interfere with an official traffic control sign, signal or device.

G. No advertisement or advertising structure shall be posted, erected or maintained which simulates any official, directional or warning sign erected or maintained by the State, County, Municipality or other governmental subdivision or which incorporates or makes use of lights simulating or resembling traffic signals or control signs.

H. No advertisement shall be posted or maintained on rocks, fences, trees, or other perennial plants, or on poles maintained by public utilities.

121.22 CN - CONSERVATION DISTRICT. This district is intended to prevent, in those areas which are subject to periodic or potential flooding, such development as would result in a hazard to health or safety or be otherwise incompatible with the public welfare. This district is also intended to provide for water conservation, erosion control, protection of wildlife habitat, protection of natural erosion control, protection of natural drainage ways and generally to provide for ecologically sound land use of environmentally sensitive areas.

1. Permitted Uses. The following uses are permitted in the CN District:

A. Undeveloped and unused land in its natural condition.

B. Public parks and recreation open space.

C. Publicly owned and operated buildings and facilities.

2. Accessory Uses. Uses of land or structure customarily incidental and subordinate to a permitted use in the CN District:

- A. Agriculture, exclusive of dwelling units.
- B. Agricultural or recreational buildings or structures whose use or value would not be impaired by being flooded.
- C. Flood control structures.
- D. Roadside stands offering for sale only agricultural products or other products produced on the premises.
- E. Temporary buildings for uses incidental to construction work. Such buildings shall be removed upon the completion or abandonment of the construction work.

3. Special Exceptions. Certain uses may be permitted in the CN District subject to specific conditions and requirements intended to make them compatible with and acceptable to adjacent uses.

- A. Cemeteries, crematories or mausoleums.
- B. Stables, private or public.
- C. Greenhouses and nurseries.
- D. Private recreational uses.
- E. Public or private utility substations, relay stations, etc.

4. Bulk Regulations. The following requirements shall provide for light and air around permitted uses and buildings in the CN District.

<u>Min. lot area</u>	<u>Min. lot width</u>	<u>Min. front yard</u>	<u>Min. side yard</u>	<u>Min. rear yard</u>	<u>Max. height of the lesser</u>
5 acres	200 feet	50 feet	25 feet	40 feet	2½ stories or 35 feet, excluding farm buildings.

5. Off-street Parking. The following off-street parking requirements shall apply in the CN District:

- A. Roadside stands: one (1) parking space for each 50 square feet of floor area.
 - B. Greenhouses and nurseries: one (1) parking space per 1,000 square feet of enclosed floor area.
 - C. Public buildings and facilities: one (1) parking space for each 300 square feet of gross floor area or one (1) parking space for each 5 seats in the main assembly area.
6. Off-street Loading. The following off-street loading requirements shall apply in the CN District:
- A. All activities or uses allowed in the CN District shall be provided with adequate receiving facilities accessible by motor vehicle off any adjacent service drive or open space on the same zoning lot.
 - B. Loading shall not be permitted to block public right-of-way.
7. Signs. The following sign regulations shall apply to the CN District:
- A. Off-premises signs, except for real estate or political signs, are not permitted.
 - B. No sign may be lighted in a manner which impairs the vision of the driver of any motor vehicle.
 - C. No sign may obstruct the view of any highway or railroad so as to render dangerous the use of the highway.
 - D. No sign may imitate or resemble an official traffic control sign, signal or device.
 - E. Signs shall not encroach or extend over public right-of-way.
 - F. No sign may obscure or physically interfere with an official traffic control sign, signal or device.
 - G. No advertisement or advertising structure shall be posted, erected or maintained which simulates any official, directional or warning sign erected or maintained by the State, County, Municipality or other governmental

subdivision or which incorporates or makes use of lights simulating or resembling traffic signals or control signs.

H. No advertisement shall be posted or maintained on rocks, fences, trees, or other perennial plants, or on poles maintained by public utilities.

121.23 RS - RESIDENTIAL DISTRICT. This district is intended to provide for a variety of residential areas where public utilities and services are available and to encourage a suitable living environment through the promotion of public health, safety and welfare. Low and medium population density neighborhoods are recognized and provided for by varying the minimum bulk regulations. Criteria such as topography, soil types, access, traffic load on streets, schools, utilities, recreation and other public facilities shall be taken into consideration when the lot area requirement is established for the various residential areas of the City.

1. Permitted Uses. The following uses are permitted in the RS District:

- A. Single-family detached dwellings.
- B. Multi-family homes.
- C. Family homes.
- D. Home occupations.
- E. Health care facilities.
- F. Publicly owned and operated buildings and facilities.

2. Accessory Uses. Uses of land or structure customarily incidental and subordinate to a permitted use in the RS District:

- A. Private garages.
- B. Raising and keeping of animals and fowl, but not on a commercial basis or on a scale objectionable to neighbors; the keeping or raising of pigs, sheep, goats, cattle or horses is prohibited except on premises containing two (2) acres or more and except within an enclosure at least three hundred (300) feet from any residence now existing or hereafter erected, except that of the owner.

C. Private recreational facilities.

D. Temporary buildings for uses incidental to construction work. Such buildings shall be removed upon the completion or abandonment of the construction work.

3. Special Exceptions. Certain uses may be permitted in the RS District subject to specific conditions and requirements intended to make them compatible with and acceptable to adjacent uses.

A. Nursery schools.

B. Public or private utility substations, relay stations, etc.

C. Churches.

D. Private schools with a curriculum similar to public schools.

E. Golf courses but not miniature courses or separate driving tees.

F. Bed and breakfast houses.

G. Hospitals.

H. Satellite dishes.

The placement of satellite dish antennas, either permanent or temporary, shall be considered as accessory buildings. When the dish is attached to a main building or other structure, the owner must adhere to the Uniform Building Code. No satellite dish shall exceed a diameter of 12 feet except for commercial use.

4. Bulk Regulations. The following requirements shall provide for light and air around permitted residential uses and buildings in the RS District:

Zoning symbol	Min. lot area (sq. ft)	Min. lot width (feet)	Min. front yard (feet)	Min. side yard (feet)	Rear yard (feet)	Max. height the lesser of
5 RS	5,000 *	45	20	6	20	2½ stories or 35 feet
8 RS	8,000	60	20	6	20	2½ stories or 35 feet
40 RS	40,000	200	50	20	50	2½ stories or 35 feet

* All multiple family dwellings shall require a minimum of 2,000 square feet of lot area per dwelling unit. Where public sewer facilities are not available, not less than one acre of lot area is required.

5. Off-street Parking. The following off-street parking requirements shall apply in the RS District:

A. Dwellings: two (2) parking spaces on the lot for each living unit in the building.

B. Churches: one (1) parking space on the lot for each 5 seats in the main auditorium.

C. Public buildings and facilities: one (1) parking space for each 300 square feet of gross floor area or one (1) parking space for each 5 seats in the main assembly area.

D. Elementary, junior high and equivalent private or parochial schools: one (1) parking space for each classroom and office plus one (1) parking space per each 300 square feet of gross floor area in auditorium or gymnasium.

E. Senior high schools and equivalent private or parochial schools: one (1) parking space for each employee and one (1) parking space for each ten (10) students.

F. Colleges, universities, institutions of higher learning, and equivalent private or parochial schools: one (1) parking space for each employee and one (1) parking space for each five (5) students.

G. Public buildings and facilities: one parking space for each 300 square feet of gross floor area.

H. Nursery schools: one (1) parking space per employee.

6. Off-street Loading. The following off-street loading requirements shall apply in the RS District:

A. All activities or uses allowed in the RS District shall be provided with adequate receiving facilities accessible by motor vehicle off any adjacent service drive or open space on the same zoning lot.

B. Loading shall not be permitted to block public right-of-way.

7. Signs. The following sign regulations shall apply to the RS District:

A. Off-premises signs, except real estate or political signs, are not permitted.

B. No sign may be lighted in a manner which impairs the vision of the driver of any motor vehicle.

C. No sign may obstruct the view of any highway or railroad so as to render dangerous the use of the highway.

D. No sign may imitate or resemble an official traffic control sign, signal or device.

E. Signs shall not encroach or extend over public right-of-way.

F. No sign may obscure or physically interfere with an official traffic control sign, signal or device.

G. No advertisement or advertising structure shall be posted, erected or maintained which simulates any official, directional or warning sign erected or maintained by the State, County, Municipality or other governmental subdivision or which incorporates or makes use of lights simulating or resembling traffic signals or control signs.

H. No advertisement shall be posted or maintained on rocks, fences, trees, or other perennial plants, or on poles maintained by public utilities.

8. **Vehicles - Trailers.** Automotive vehicles or trailers of any kind or type without current license plates shall not be parked or stored on any lot other than in completely enclosed buildings. No automotive vehicle or trailers of any kind shall be parked or stored on any lot in this district in a required front yard except when parked on a designated hard surfaced driveway. No vehicle of any kind shall be parked on public or private property so as to create a safety hazard with pedestrian or vehicular traffic.

121.24 MH - MOBILE HOME DISTRICT. This district is intended to provide for certain medium density residential areas in the City now developed as mobile home parks which by reason of their design and location are compatible with surrounding residential areas and areas of the City where similar development seems likely to occur. This district has useful application as a transition zone between shopping areas and residential areas and is normally located along thoroughfares where direct access to the site is available.

1. **Permitted Uses.** The following uses are permitted in the MH District:

- A. Mobile homes located in an approved mobile home park.
- B. Home occupations.

2. **Accessory Uses.**

- A. Private recreational facilities.
- B. Temporary buildings for use incidental to construction work. Such buildings shall be removed upon completion or abandonment of the construction work.

3. **Special Exceptions.**

- A. Public or private utility substation, relay stations, etc.
- B. Nursery schools.
- C. Churches.
- D. Satellite dishes.

The placement of satellite dish antennas, either permanent or temporary, shall be considered as accessory

buildings. When the dish is attached to a main building or other structure, the owner must adhere to the Uniform Building Code. No satellite dish shall exceed a diameter of 12 feet except for commercial use.

4. Bulk Regulations. Mobile home parks shall meet the following minimum standards:

A. Area requirements:

<u>Min. Lot Area</u>	<u>Min. Lot Width</u>	<u>Average Density of Mobile Home Lots</u>	<u>Mobile Home Park Area</u>
4,500 sq. ft.	50 ft.	Not more than 8 per acre.	Not less than 2 acres.

B. All mobile home parks shall provide lots sufficient in size that no mobile home or any structure, addition or appurtenance, except paved slabs thereto, is located less than ten (10) feet from the nearest adjacent court boundary.

C. Space between mobile homes may be used for the parking of motor vehicles if the space is clearly designated and the vehicle is parked at least five (5) feet from the nearest adjacent court boundary.

D. Each mobile home site shall abut or face a clear unoccupied space, driveway, roadway, or street of not less than twenty (20) feet in width, which shall have unobstructed access to a public highway, street or alley.

E. The mobile home park shall be surrounded by a landscaped strip of open space thirty (30) feet wide along the street frontage of major street and twenty-five (25) feet wide along all other lot lines or street frontage.

121.25 AC - ARTERIAL COMMERCIAL DISTRICT. This district is intended to provide for certain areas of the City for the development of service, retail, and other non-residential uses which because of certain locational requirements and operational characteristics are appropriately located in close proximity to arterial and other main thoroughfares. Residential type structures are also permitted. The district is further characterized

by a typical need for larger lot sizes, off-street parking, adequate setbacks, clear vision, safe ingress and egress, and access to other adjacent thoroughfares.

1. Permitted Uses.

A. Sales and display rooms and lots, including yards for the storage or display of new or used building materials, but not for any scrap or salvage operation storage or sales.

B. Offices and clinics.

C. Churches and publicly owned and operated buildings and facilities.

D. Hotels and motels.

E. Any other retail or service sales business, including food preparation for sale off-premises.

F. Publicly owned and operated buildings and facilities.

G. Dwellings.

2. Accessory Uses. Uses of land or structures customarily incidental and subordinate to a permitted use in the AC District:

A. Private recreational facilities.

B. Living quarters of persons employed on the premises and not rented or otherwise used as a separate dwelling.

C. Private garages.

D. Parking lots.

E. Temporary buildings for uses incidental to construction work. Such buildings shall be removed upon the completion or abandonment of the construction work.

3. Special Exceptions. Certain uses may be permitted in the AC District subject to specific conditions and requirements intended to make them compatible with and acceptable to adjacent uses.

A. Public or private utility substations, relay stations, etc.

B. Satellite dishes.

The placement of satellite dish antennas, either permanent or temporary, shall be considered as accessory buildings. When the dish is attached to a main building or other structure, the owner must adhere to the Uniform Building Code. No satellite dish shall exceed a diameter of 12 feet except for commercial use.

4. Bulk Regulations. The following requirements shall provide for light and air around permitted uses and building in the AC District.

Min. lot area (sq. ft.)	Min. lot width (feet)	Min. front yard (feet)	Min. side yard (feet)	Min. rear yard (feet)	Max. height
6,000	60	30	10 feet	20 ft.	The lesser of 45 ft. or 3 stories

5. Off-street Parking. The following off-street parking requirements shall apply in the AC District.

A. Sales and service building: one (1) parking space per 300 square feet of gross floor area.

B. Offices/clinics: one (1) parking space per 300 square feet of gross floor area.

C. Churches: one (1) parking space on the lot for each 5 seats in the main auditorium.

D. Public buildings and facilities: one (1) parking space per 300 square feet of gross floor area or one (1) parking space for each 5 seats in the main assembly area.

E. Hotels and motels: one (1) parking space per room plus one (1) parking space for each employee.

6. Off-street Loading. The following off-street loading requirements shall apply in the AC District:

A. All activities or uses allowed in the AC District shall be provided with adequate receiving facilities accessible by motor vehicle from any adjacent service drive or open space on the same zoning lot.

B. Loading shall not be permitted to block public right-of-way.

7. Signs. The following sign regulation shall apply to the AC district:

- A. Off-premises and on-premises signs are permitted.
- B. Off-premises signs shall comply with the setbacks of the districts they are located in. Other bulk regulations do not apply. Off-premises signs are governed by State and Federal regulations along highways, where zoning exists.
- C. No sign may be lighted in a manner which impairs the vision of the driver of any motor vehicles.
- D. No sign may obstruct the view of any highway or railroad so as to render dangerous the use of the highway.
- E. No sign may imitate or resemble an official traffic control sign, signal or device.
- F. Signs shall not encroach or extend over public right-of-way.
- G. No sign may obscure or physically interfere with an official traffic control sign, signal or device.
- H. No advertisement or advertising structure shall be posted, erected or maintained which simulates any official, directional or warning sign erected or maintained by the State, County, Municipality or other governmental subdivision or which incorporates or makes use of lights simulating or resembling traffic signals or control signs.
- I. No advertisement shall be posted or maintained on rocks, fences, trees, or other perennial plants, or on poles maintained by public utilities.

121.26 BC - BUSINESS COMMERCIAL DISTRICT. This district is intended to accommodate the major business and office concentration in Menlo. It is characterized further by a variety of stores and related activities which occupy the central commercial area of Menlo. This district is intended to be the single central business district of Menlo and no other use of this

district shall be utilized other than contiguously with the currently established BC District. Bulk regulations further reflect a more in time use and development pattern.

1. Permitted Uses. The following uses are permitted in the BC District.

A. Business sales and services conducted entirely within the building, including those with incidental manufacturing or processing of goods or products.

B. Offices and clinics.

C. Hotels and motels.

D. Publicly owned and operated buildings and facilities.

2. Accessory Uses. Uses of land or structures customarily incidental and subordinate to a permitted use in the BC District:

A. Outdoor sales and service.

B. Private garages.

C. Parking lots.

D. Temporary buildings for uses incidental to construction work. Such buildings shall be removed upon the completion or abandonment of the construction work.

E. Accessory uses customarily incidental to any permitted principal use.

3. Special Exceptions. The following uses may be permitted in the BC District subject to specific conditions and requirements intended to make them compatible with and acceptable to adjacent uses.

A. Service stations.

B. Warehouses.

C. Outdoor storage or outdoor sales.

D. Satellite dishes.

The placement of satellite dish antennas, either permanent or temporary, shall be considered as accessory buildings. When the dish is attached to a main building or other structure, the owner must adhere to the Uniform Building code. No satellite dish shall exceed a diameter of 12 feet except for commercial use.

4. Bulk Regulations. The following requirements shall provide for light and air around permitted uses and building in the BC District.

Min. lot area	Min. lot width	Min. front yard	Min. side yard	Min. rear yard	Max. height
none, unless used for solely residential purposes, then 5,000 sq. ft.	20 ft.	none	none, except if a side yard is provided, it shall be a minimum of 6 ft.	none, except if a rear yard is provided, it shall be a minimum of 6 ft.	the lesser of 3 stories or 45 ft.

* Where this district abuts a lower intensity district, the greater side and rear yard setbacks apply.

5. Off-street Parking.

A. None required.

6. Off-street Loading. The following off-street loading requirements shall apply in the BC District.

A. All activities or uses allowed in the BC District shall be provided with adequate receiving facilities accessible by motor vehicle from any adjacent service drive or open space on the same zoning lot.

B. Loading shall not be permitted to block public right-of-way.

7. Signs. The following sign regulations shall apply to the BC District:

A. Off-premises signs are not permitted.

B. No sign may be lighted in a manner which impairs the vision of the driver of any motor vehicle.

C. No sign may obstruct the view of any highway or railroad so as to render dangerous the use of the highway.

D. No sign may imitate or resemble an official traffic control sign, signal or device.

E. No sign may obscure or physically interfere with an official traffic control sign, signal or device.

F. No advertisement or advertising structure shall be posted, erected or maintained which simulates any official, directional or warning sign erected or maintained by the State, County, Municipality or other governmental subdivision or which incorporates or makes use of lights simulating or resembling traffic signals or control signs.

G. No advertisement shall be posted or maintained on rocks, trees, or other perennial plants, or on poles maintained by public utilities.

121.27 LI - LIGHT INDUSTRIAL DISTRICT. This district is intended to provide for areas of development by industrial firms that have high standards of performance and that can locate in close proximity to residential and business uses. The district regulations are designed to permit the development of any manufacturing or industrial operations which on the basis of actual physical and operational characteristics, would not be detrimental to the surrounding area or to the community as a whole by reasons of noise, dust, smoke, odor, traffic, physical appearance or other similar factors. Outdoor storage is allowed in this district when the material is enclosed within a solid fence at least six feet high and said fence being within required building lines. All industrial operations must be in an enclosed building. No residential uses are permitted in this district.

1. Permitted Uses. The following uses are permitted in the LI District.

A. Any nonresidential building or use which would not be hazardous, obnoxious, offensive or unsightly by reason of odor, sound, vibrations, radioactivity, electrical interference, glares, liquid or solid waste, smoke, or other air pollutants.

B. Storage, manufacture, compounding, processing, packing and/or treatment of products, exclusive of the rendering or refining of fats and/or oils.

- C. Manufacture, compounding, assembly and/or treatment of articles or merchandise derived from previously prepared materials.
 - D. Assembly of appliances and equipment, including manufacture of small parts.
 - E. Wholesale distribution of all standard types of prepared or packaged merchandise.
 - F. Sale and storage of building materials. Outdoor or open storage shall be allowed only when the material is enclosed within a solid fence at least six feet high and said fence being within required building lines.
 - G. Contractors' offices and storage of equipment.
 - H. Public or private utility substations, relay stations, etc.
2. Accessory Uses. Uses of land or structure customarily incidental and subordinate to a permitted use in the LI District.
- A. Accessory buildings and uses customarily incidental to a permitted use.
 - B. Living quarters for watchmen or custodians of industrial properties.
3. Special Exceptions. Certain uses may be permitted in the LI District subject to specific conditions and requirements intended to make them compatible with and acceptable to adjacent uses.
4. Bulk Regulations. The following requirements shall provide for light and air around permitted uses and buildings in the LI District.

<u>Min. lot area</u>	<u>Min. lot width</u>	<u>Min. front yard</u>	<u>Min. side yard</u>	<u>Min. rear yard</u>	<u>Bldg. height</u>
none	none	25 ft.	none, except that if adjacent to an "RS" District, then it shall be 25 feet.	25 ft., unless bordering a railroad right-of-way, in which case 5 ft. shall be required.	3 stories or 45 feet

5. Off-street Parking. The following off-street parking requirements shall apply in the LI District:

A. All commercial uses shall provide one (1) parking space on the lot for each 300 square feet of floor area.

B. All industrial uses shall provide one (1) parking space on the lot for each two (2) employees of maximum number employed at any one time.

6. Off-street Loading. The following off-street loading requirements shall apply in the LI District:

A. All activities or uses allowed in the LI District shall be provided with adequate receiving facilities accessible by motor vehicle from any adjacent service drive or open space on the same zoning lot.

B. Loading shall not be permitted to block public right-of-way.

7. Signs. The following sign regulations shall apply to the LI District:

A. Off-premises and on-premises signs are permitted.

B. Off-premises signs shall comply with the setbacks of the districts they are located in. Other bulk regulations do not apply. Off-premises signs are governed by State and Federal regulations along highways, where zoning exists.

C. No sign may be lighted in a manner which impairs the vision of the driver of any motor vehicle.

D. No sign may obstruct the view of any highway or railroad so as to render dangerous the use of the highway.

- E. No sign may imitate or resemble an official traffic control sign, signal or device.
- F. Signs shall not encroach or extend over public right-of-way.
- G. No sign may obscure or physically interfere with an official traffic control sign, signal or device.
- H. No advertisement or advertising structure shall be posted, erected or maintained which simulates any official, directional or warning sign erected or maintained by the State, County, Municipality or other governmental subdivision or which incorporates or makes use of lights simulating or resembling traffic signals or control signs.
- I. No advertisement shall be posted or maintained on rocks, fences, trees, or other perennial plants, or on poles maintained by public utilities.

121.28 HI - HEAVY INDUSTRIAL DISTRICT. This district is intended to provide areas for activities and uses of a heavy industrial character and is the least restrictive of any district. In the best interest of the City, certain uses in the HI District shall be subject to final City Council approval, conditional approval or denial to insure that proper safeguards are taken. No residential uses are permitted.

- 1. Permitted Uses. There may be any use, excluding residential uses and mobile homes. The following uses must be given separate City Council approval before a zoning/building permit is issued.
 - A. Acid manufacture.
 - B. Cement, lime, gypsum, or plaster of paris manufacture.
 - C. Distillation of bones.
 - D. Explosive manufacture or storage.
 - E. Fat rendering.
 - F. Fertilizer manufacture.
 - G. Gas manufacture.

- H. Garbage, offal, or dead animals, reduction or dumping.
- I. Glue manufacture.
- J. Petroleum or its products, refining of.
- K. Smelting of tin, copper, zinc, or iron ores.
- L. Stockyards or slaughter of animals.
- M. Junk yards. Must be surrounded by a solid fence at least six feet high located within building lines and the junk piled not higher than the fence.

Before granting such separate approval, the City Council shall refer applications to the Commission for study, investigation and report. If no report is received in 30 days, the City Council may assume approval of the application.

2. City Council. The City Council shall then after holding a public hearing consider all of the following provisions in its determination upon the particular use at the location requested:

- A. That the proposed location, design, construction, and operation of the particular use adequately safeguards the health, safety and general welfare of persons residing or working in adjoining or surrounding property;
- B. That such use shall not impair an adequate supply of light and air to surrounding property;
- C. That such use shall not unduly increase congestion in the streets, or public danger of fire and safety;
- D. That such use shall not diminish or impair established property values in adjoining or surrounding property; and
- E. That such use shall be in accord with the intent, purpose and spirit of this chapter and the Comprehensive Plan of the City.

3. Required Conditions.

A. The best practical means known for the disposal of refuse matter or water-carried waste, the abatement of obnoxious or offensive odor, dust, smoke, gas, noise, or similar nuisance shall be employed and shall be subject to all State and Federal regulations.

B. All principal buildings and all accessory buildings or structures, including loading and unloading facilities, shall be located at least one hundred (100) feet from any "R" District boundary, except where adjoining a railroad right-of-way, and 50 feet from any commercial boundary.

4. Accessory Uses. Uses of land or structure customarily incidental and subordinate to a permitted use in the HI District.

A. Accessory buildings and uses customarily incidental to a permitted use.

B. Living quarters for watchmen or custodians of industrial properties.

5. Bulk Regulations. The following requirements shall provide for light and air around permitted uses and buildings in the HI District.

Min. Lot area	Min. Lot width	Min. front yard	Min. side yard	Min. rear yard	Max. bldg. height
none	none	35 feet	none, except when adjacent to an "RS" District, it shall be 10 ft.	20 feet	3 stories or 45 feet

6. Off-street Parking. The following off-street parking requirements shall apply in the HI District.

A. All commercial uses shall provide one (1) parking space on the lot for each 300 square feet of floor area.

B. All industrial uses shall provide one (1) parking space on the lot for each two (2) employees of maximum number employed at any one time.

7. Off-street Loading. The following off-street loading requirements shall apply in the HI District:

A. All activities or uses allowed in the HI District shall be provided with adequate receiving facilities accessible by motor vehicle from any adjacent service drive or open space on the same zoning lot.

B. Loading shall not be permitted to block public right-of-way.

8. Signs. The following sign regulations shall apply to the HI District:

A. Off-premises and on-premises signs are permitted.

B. Off-premises signs shall comply with the setbacks of the districts they are located in. Other bulk regulations do not apply. Off-premises signs are governed by State and Federal regulations along highways, where zoning exists.

C. No sign may be lighted in a manner which impairs the vision of the driver of any motor vehicle.

D. No sign may obstruct the view of any highway or railroad so as to render dangerous the use of the highway.

E. No sign may imitate or resemble an official traffic control sign, signal or device.

F. Signs shall not encroach or extend over public right-of-way.

G. No sign may obscure or physically interfere with an official traffic control sign, signal or device.

H. No advertisement or advertising structure shall be posted, erected or maintained which simulates any official, directional or warning sign erected or maintained by the State, County, Municipality or other governmental subdivision or which incorporates or makes use of lights simulating or resembling traffic signals or control signs.

I. No advertisement shall be posted or maintained on rocks, fences, trees, or other perennial plants, or on poles maintained by public utilities.

121.29 SUPPLEMENTARY DISTRICT REGULATIONS.

1. Building Lines on Approved Plats. Whenever the plat of a land subdivision approved by the Planning Commission and on record in the office of the County Recorder shows a building line along any frontage for the purpose of creating a front yard or side street yard line, the building line thus shown shall apply along such frontage in place of any other yard line required in this chapter unless specific yard requirements in this chapter require a greater set-back.

2. Structures to Have Access. Every building hereafter erected or moved shall be on a lot adjacent to a public street or with access to an approved private street, and all structures shall be so located on lots as to provide safe and convenient access for servicing, fire protection, and required off-street parking.

3. Erection of More Than One Principal Structure on a Lot. In any district, more than one structure, housing a permitted or permissible principal use, may be erected on a single lot, provided that yard and other requirements of this chapter shall be met for each structure as though it were on an individual lot.

4. Accessory Buildings. No accessory building shall be erected in any required front yard, and no separate accessory building shall be erected within 5 feet of a main building. No accessory building shall be closer than 5 feet to the rear or side lot line. Accessory buildings located in the rear yard may not occupy more than 30 percent of the rear yard nor be greater than 12 feet in height. No accessory building shall be used without occupancy of the principal building.

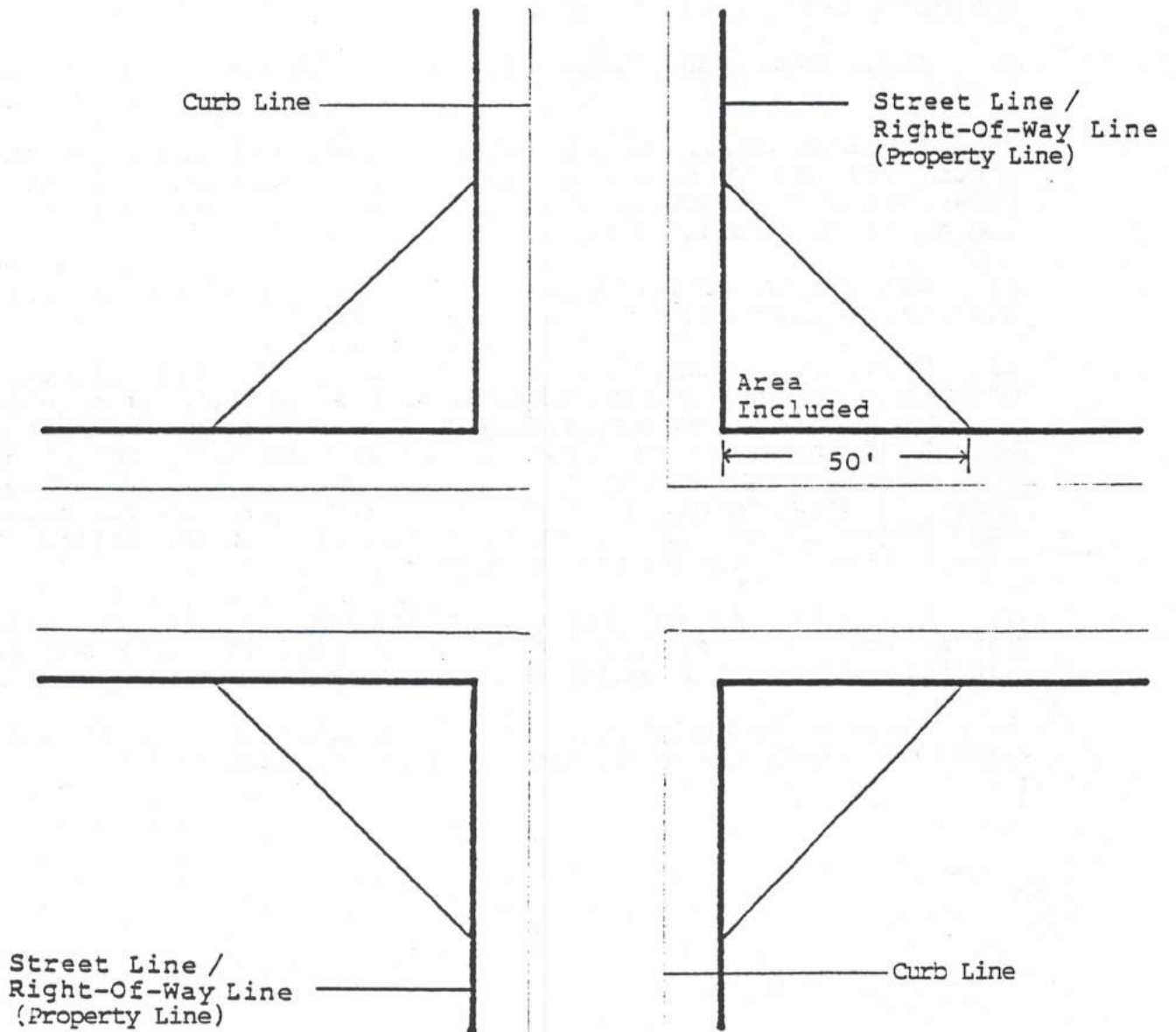
5. Fences. No fence or hedge more than 30 percent solid or more than three feet high may be located within 30 feet of a street intersection. Fences or hedges less than four feet high may be located on any remaining part of a lot. Fences or hedges less than six feet high may be erected on those parts of a lot that are as far back or further back from a street than the main building. Higher fences may be allowed by special exception only.

6. Height Limits. Chimneys, church steeples, cooling towers, elevator bulkheads, fire towers, monuments, stacks, stage towers or scenery lofts, tanks, water towers, ornamental towers, spires, wireless towers, grain elevators, or necessary mechanical appurtenances are exempt from height regulations in Sections 121.21 through 121.29.

7. Sills, belt courses, cornices, and ornamental features may project only two feet into a required yard.
8. Open fire escapes, fireproof outside stairways and balconies opening upon fire towers, and the ordinary projections of chimneys and flues into a rear yard for a distance of not more than 3½ feet, when so placed as not to obstruct light and ventilation, may be permitted by the Zoning/Building Administrator.
9. Open, unenclosed porches may extend 10 feet into a front yard.
10. Terraces which do not extend above the level of the ground (first) floor may project into a required yard, provided these projections are distant at least two feet from the adjacent side lot line.
11. Nothing in this chapter shall have the effect of prohibiting utility service lines.
12. Yards and Visibility. On a corner lot in any district, nothing shall be erected, placed, planted or allowed to grow in such a manner as materially to impede vision between a height of three and ten feet above the centerline grades of the intersecting streets in the area bounded by the street lines of such corner lots and a line joining points along said street lines fifty feet from the point of the intersection. (See Diagram on following page)
13. All vehicular parking spaces located in required front yards shall be a minimum of ten (10) feet in width and be surfaced with gravel, concrete, or asphalt.
14. Private swimming pools shall be allowed only in rear yards and shall not be allowed in front or side yards.

DIAGRAM

Corner Lots - Yards and Visibility



121.30 ENFORCEMENT AND INTERPRETATION. All questions of interpretation and enforcement shall be first presented to the Zoning/Building Administrator, or that person's assistant, and such questions shall be presented to the Board of Adjustment only on appeal from the decision of the Zoning/Building Administrator, and recourse from the decisions of the Board of Adjustment shall be to the courts as provided by law and particularly by Chapter 414, Code of Iowa.

121.31 AMENDMENTS. The regulations, restrictions, and boundaries may, from time to time, be amended, supplemented, changed, modified, or repealed, provided that at least seven days' notice of the time and place of such hearing shall be published in a paper of general circulation in the City. In no case shall the notice be published more than 20 days prior to the hearing.

The regulations, restrictions, and boundaries may, from time to time, be amended, supplemented, changed, modified, or repealed. Notwithstanding Section 414.2, as a part of an ordinance changing land from one zoning district to another zoning district or an ordinance approving a site development plan, a Council may impose conditions on a property owner which are in addition to existing regulations if the additional conditions have been agreed to in writing by the property owner before the public hearing required under this section or any adjournment of the hearing. The conditions must be reasonable and imposed to satisfy public needs which are directly caused by the requested change. In the case, however, of a written protest against a change or repeal which is filed with the City Clerk and signed by the owners of twenty percent or more of the area of the lots included in the proposed change or repeal, or by the owners of twenty percent or more of the property which is located within two hundred feet of the exterior boundaries of the property for which the change or repeal is proposed, the change or repeal shall not become effective except by the favorable vote of at least three-fourths (3/4) of all the members of the Council. The protest, if filed, must be filed before or at the public hearing.

Proposed amendments not recommended by the Planning and Zoning Commission shall become effective only upon a favorable vote of three-fourths (3/4) of the members of the City Council. All zoning amendment application forms shall be approved by resolution of the City Council.

121.32 PENALTIES FOR VIOLATION. Violation of the provisions of this chapter with any of its requirements (including violations of conditions and safeguards established in connection with

grants of variances or special exceptions) shall constitute a misdemeanor. Any person who violates this chapter or fails to comply with any of its requirements shall upon conviction thereof be fined not more than \$100 or imprisoned for not more than 30 days. Each day such violation continues shall be considered a separate offense.

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

121.33 SCHEDULE OF FEES, CHARGES, AND EXPENSES. The City Council shall establish a schedule of fees, charges, and expenses and a collection procedure for zoning district changes, zoning permits, appeals, and other matters pertaining to this chapter. The schedule of fees shall be posted in the office of the Zoning/Building Administrator and the City Clerk and may be altered or amended only by the City Council, as recommended by the Commission.

Until all applicable fees, charges, and expenses have been paid in full, no action shall be taken on any application or appeal.

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

121.35 REPEAL OF CONFLICTING ORDINANCES: EFFECTIVE DATE. All ordinances or parts of ordinances in conflict with this Zoning Ordinance, are hereby repealed to the extent necessary to give this ordinance full force and effect. This ordinance shall become effective upon publication.

121.36 SEVERABILITY CLAUSE. If any section, clause, provision or portion of this ordinance is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this ordinance shall not be affected thereby.

(Chapter 121 added by Ordinance No. 10-93)

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CHAPTER 125

BUILDING & EXCAVATION PERMITS

125.01	Building Official	125.08	Action by Council
125.02	Permits Required	125.09	Additional Restrictions
125.03	Application	125.10	Condition of the Permit
125.04	Fees	125.11	Posting of Permit
125.05	Amendments	125.12	Revocation
125.06	Approval	125.13	Permit void
125.07	Erosion Control	125.14	Penalties for Violations

125.01 Building Official: The Zoning/Building Administrator shall be responsible for the administration and enforcement of this chapter, consistent with the provisions of chapter 121.

125.02 Permits Required: No building or other structure shall be erected, moved, or added to within the City without first obtaining a building permit. Repair or replacement of existing structures or structural components does not require a building permit so long as the dimensions of the repair or replacement do not exceed those of the original structure being repaired or replaced and the original structure was not a nonconforming use.

No excavation or digging deeper than 16 inches (40 cm) below the existing grade shall take place within the City without first obtaining an excavation permit. Repair or replacement of existing structures or structural components deeper than 16 inches below grade do not require a permit so long as no digging will occur outside the boundaries of the original structure being repaired or replaced.

125.03 Application: The application for a building permit or an excavation permit shall be made in writing at the City Clerk's office on forms provided by the Clerk. The applicant shall also provide such drawings of the proposed work, drawn to scale, including floor plans, sections, elevations, and structural details, as the Zoning/Building Administrator may require.

125.04 Fees: The application for a building permit shall be accompanied by a fee of \$5.00 applicable toward the building permit fee, if the application is approved.

- The application for an excavation permit requires no fee.
- Amendments to either application requires no fee.
- An application for a variance or special exception requires an additional fee of \$25.00.
- An application for a Planning & Zoning Commission hearing requires an additional fee of \$25.00.
- If a building permit application is approved, a permit fee shall be assessed according to the following schedule:
 - If the owner is a nonprofit organization, no permit fee is required
 - If the structure is less than 250 square feet, no permit fee is required.
 - For structures encompassing 250 to 500 square feet, the permit fee is \$20.00.
 - For single family residences encompassing 501 to 1800 square feet, the permit fee is \$70.00.
 - For single family residences in excess of 1800 square feet, multifamily dwellings,

commercial structures, and all other structures except for construction in the industrial park, the permit fee is \$130.00

- For structures in the industrial park, the permit fee is \$160.00.
- The following fees shall also be assessed prior to issuance of a building permit.
- If a public water connection permit is required, the fee is \$165.00
- If a sanitary sewer connection permit is required, the fee is \$30.00
- If a street cutting permit is required, the fee is \$250 or the actual cost of excavation and restoration, whichever is greater.

125.05 Amendments: Amendments to an application for a permit shall be filed prior to any deviation from the work for which the original application was sought. Such amendments, after approval, shall be filed with and deemed a part of the original application.

125.06 Approval: It shall be the duty of the Zoning/Building Administrator or his deputy to promptly examine applications for permits under this chapter. If the examiner finds no objection, based on compliance with the laws and ordinances applicable thereto, the examiner shall approve the application and issue the appropriate permit. If the proposed project involves public improvements, the application shall be forwarded to the Planning and Zoning Commission for its recommendation pursuant to §120.05(4), prior to issuance of a permit. If the proposed project is at variance with the City's Zoning Regulations (chapter 121), the applicant must obtain a variance or special exception from the Board of Adjustment prior to issuance of a permit.

125.07 Erosion Control: When a land disturbing activity, as defined by the Code of Iowa, is to occur as part of a project for which a permit hereunder is sought, no permit shall be issued unless there is on file with the City a soil erosion control plan which covers the proposed project and is approved by the Natural Resources Conservation Service.

125.08 Action by Council: If a permit application is denied, the Zoning/Building Administrator shall immediately notify the applicant and state in writing the reason(s) for denying the application. The applicant may appeal the denial by notifying the City Clerk who shall place the matter on the agenda of the next regular or special meeting of the City Council for which time exists to hear such an appeal. The applicant and the Zoning/Building Administrator shall be invited to attend said meeting. If legal cause exists, the City Council may affirm, modify, or reverse the initial determination of the Zoning/Building Administrator.

125.09 Additional Restrictions: In addition to the restrictions in chapter 121, no permit will be granted for any structure or alteration which would be dangerous or injurious to the health, welfare and safety of citizens.

125.10 Condition of the Permit: All work performed under any permit shall conform to the approved application and plans, and approved amendments thereof. All new construction shall strictly adhere to the location shown on the approved plot diagram, or an approved amendment thereof. Permits or amendments shall be routinely granted without charge where excavation or construction by the landowner is required due to a street opening, street widening, or other public improvement.

125.11 Posting of Permit: A copy of the permit shall be kept on the premises open to public inspection during the prosecution of the work, until completion of same. The

Zoning/Building Administrator may require a certified copy of the approved plans to be kept on the premises at all times from the commencement of the work to the completion thereof. The Zoning/Building Administrator shall be given at least twenty-four (24) hours notice of the starting of work under a permit.

125.12 Revocation: The Zoning/Building Administrator may revoke a permit or amendment issued under the provisions of this chapter if there has been any false statement or misrepresentation as to a material fact in the application or plans on which the permit or amendment was based.

125.13 Permit Void: In the event that construction is not initiated within the time set out in §121.15, such permit shall be deemed void and of no effect.

125.14 Penalties for Violations: Violation of the provisions of this chapter (including violations of any conditions or safeguards required in connection with granting of a permit, amendment, variance, or special exception) shall constitute a misdemeanor. Any person who violates this chapter or fails to comply with any of its requirements or requirements of any permit, amendment, variance, or special exception issued hereunder shall upon conviction thereof be fined no more than \$100 or imprisoned for no more than 30 days. Each day such violation continues shall be considered a separate offense. Nothing herein contained shall prevent the City from taking such other legal action as is necessary to prevent or cure any violation.

{Last amended by Ordinance 1-97}

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