

CHAPTER 165

ZONING REGULATIONS

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165.01 TITLE

165.01.01 Long Title. An Ordinance titled, "The Zoning Ordinance of the City of Van Meter, Iowa," to repeal all ordinances in conflict herewith; and establishing comprehensive zoning regulations for the City of Van Meter, Iowa, and providing for the administration, enforcement, and amendment thereof, in accordance with the provisions of Chapter 414, of the Code of Iowa.

165.01.02 Short Title. This ORDINANCE shall be known and may be referred and cited as the "Van Meter Zoning Ordinance", to the same effect as if the full title were stated. The map, herein referred to and identified as "The Zoning District Map, Van Meter, Iowa" and attendant explanatory matter thereon is hereby adopted and made a part of this Ordinance.

165.02 PURPOSE AND GOALS

165.02.01 Purpose. The zoning regulations and boundaries herein set forth are made in accordance with a comprehensive plan for the general welfare of the community, for the purpose of promoting a wholesome, serviceable, and attractive municipality, to protect both urban and rural development of the community, to promote aesthetics and natural beauty in the landscape, to preserve and create a more favorable environment in which to rear children and develop permanent good citizenship; and to conserve the value and encourage the most appropriate use of land throughout the community.

165.02.02 Goals. The specific goals of this Ordinance shall be, through the application of its regulations and boundaries to lessen congestion in the streets; secure safety from fire, panic, and other dangers; promote health, morals, and the general welfare; provide adequate light and air; prevent the overcrowding of land or buildings;

avoid undue concentration of population.

165.03 INTERPRETATION AND DEFINITIONS

165.03.01 Interpretation. In their interpretation and application the provisions of this Ordinance shall be held to be the minimum requirements. Where this Ordinance imposes a greater restriction than is imposed or required by other provisions of law or by other rules, regulations or ordinances, the provisions of this Ordinance shall control.

165.03.02 Definitions. For the purposes of this Ordinance, certain words, phrases, and terms used herein shall be defined and interpreted as follows:

1. All words used in the present tense include the future tense.
2. All words in the plural number include the singular number, and all words in the singular number include the plural number, unless the natural construction of the wording indicates otherwise.
3. The word "shall" is mandatory and not directory.
4. The word "may" is permissive.
5. The word "person" includes a firm, association, organization, partnership, trust, company, or corporation as well as an individual.
6. The words "used" or "occupied" shall be deemed also to include "designed, intended or arranged to be used or occupied".
7. The word "lot" includes the words "plot" or "parcel".

Accessory Use, Building or Structure: A building, use or structure subordinate to another building, use or structure on the same lot which is of a nature customarily incidental to the principal use, building or structure; and does not alter or change the character of the premises; and which is not used for human occupancy.

Adult, Entertainment Establishment: A retail or service establishment which is characterized by an emphasis on specialized sexual activity and/or specified anatomical areas, including, but not limited to:

1. Any book store, video store, or other establishment in which a substantial portion of its stock and trade is devoted to printed matter or visual representation of specified sexual activities or specified anatomical areas;
2. Any movie theater offering movies or other displays, or any establishments offering coin operated devices, which emphasize specified sexual activities or specified anatomical areas;
3. Any cabaret, club, tavern, theater, or other establishment which offers any entertainment emphasizing specified sexual activities or specified anatomical areas, including but not limited to, topless and/or bottomless

dancers, exotic dancers, strippers, male or female impersonators or similar entertainment;

4. Any establishment offering massage or similar manipulation of the human body, unless such manipulation is administered by a medical practitioner, chiropractor, acupuncturist, physical therapist or similar professional licensed by the state. This definition does not include massages or similar manipulation offered at an athletic club, health club, school, gymnasium, spa, or similar establishments.

Alley: A public way, other than a street, twenty (20) feet or less in width providing a secondary means of access to abutting property.

Agriculture: The use of land and/or buildings for agricultural purposes, including farming, dairying, pasturage, and animal and poultry husbandry; and the necessary accessory uses for packing, treating, or storing the produce provided, the operation of such accessory uses shall be secondary to the normal agricultural activities.

Animal Hospital: Any building, or portion thereof, and attached fenced-in kennel area, designed or used for the care, observation, or treatment of domestic animals.

Automobile Repair: General repair, rebuilding, reconditioning of engines, motor vehicles, or trailers.

Automobile or Trailer Sales Area: Any area of land, building or structure, where two or more motor vehicles, in running condition; or trailers fully capable of attachment to a motor vehicle are stored for display and sale.

Automobile Wrecking Yard: Any area of land where two or more vehicles, not in running condition, or parts thereof, are stored in the open and are not being restored to operation; or any land, building, or structure used for wrecking or storing of such motor vehicles, or parts thereof.

Basement: A story having more than one-half (1/2) of its floor-to-ceiling height below grade level. A basement shall not be counted as a story for the purpose of height regulations.

Billboard: Any structure or portion thereof, situated on private property, used or intended for use for advertising purposes, or for public display of posters, painted signs, wall signs, or pictures which advertise a business, attraction, or manufacturing which is not carried on, in, or upon the premises upon which said illustration is located.

Board: The Board of Adjustment.

Boarding House: A building other than a hotel, and not open to transients, where, for compensation, meals and lodging are provided for three (3) or more persons.

Building: Any enclosed structure which is built for the support or shelter of human use activities, whether stationary or movable.

Building, Height of: The vertical distance from the average natural grade at the front of the building 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.

Building Line: A line parallel to the front lot line over which no portion of the building may extend, and which is a distance from the front lot line equal to the depth of the front yard required for the district in which such lot is located.

Building, Main or Principal: A building in which is conducted the main or principal use of the lot on which said building is situated. Where a substantial part of an accessory building is attached to the principal building in a substantial manner, as by a roof, such accessory building shall be counted as a part of the principal building.

Bulk Stations: Buildings, structures, and tanks used for the storage and distribution of flammable liquids or liquefied petroleum products, where the aggregate capacity of all storage tanks is more than twelve thousand (12,000) gallons.

Business: The purchase, sale, barter, or exchange of goods, wares, merchandise or services, the maintenance or operation of offices, or amusement and recreational enterprises for profit.

Carport: A roofed structure providing space for the parking of motor vehicles and enclosed on not more than two (2) sides. A carport attached to the principal building shall be considered as part of the principal building, and subject to all yard requirements therein.

Clinic, Medical or Dental: A building, or buildings in which a group of physicians and/or dentists, and their professional assistants are associated for the purpose of carrying on their professions.

Club or Lodge, Private: A non-profit association of persons who are bona-fide members paying dues; which owns, leases, or hires land, a building or portion thereof, the use of such premises being restricted to members and their guests.

Commission: Van Meter, Iowa, Planning and Zoning Commission.

Condominium: A multiple dwelling consisting of at least three (3) units with a fee title to each dwelling unit which is held independently of the others and each unit having its own separate utilities and the remainder of the real estate is designed for common ownership solely by the owners of the separate dwelling units.

Council: Van Meter, Iowa, City Council.

Court: An open, unobstructed and unoccupied space other than a yard which is bounded on two or more sides by a building on the same lot.

Family: Curb Level, Grade: The average elevation, where curb and gutter exists, of the highest point of the curb along the front line of the lot. Where no curbing exists, it is to be taken as the average elevation of the center-line of the paving along the front of the lot.

Dwelling: A building or portion thereof, used primarily as a place of abode for one or more human beings, but not including a tent, trailer, or mobile home, or hotels, motels, boarding houses, and tourist homes.

Dwelling, Single Family: A building designed or used exclusively for occupancy by one family.

Dwelling, Two Family: A building designed or used exclusively for occupancy by two families.

Dwelling, Multiple Family: A building, or portion thereof, containing three or more dwelling units.

Dwelling Unit: A dwelling or a portion thereof, used for one family for living, and sleeping purposes, containing bathroom and cooking facilities. One or more persons occupy a single housekeeping unit and using common cooking facilities. Unless related by blood or marriage, no such family shall contain over three (3) persons. Every additional group of three(3) or less persons not related by blood or marriage living in said housekeeping unit shall be considered a separate family for the purpose of this ordinance.

Flood Plain: That continuous area, adjacent to a stream bed or other natural drainage channels or areas, that is low-lying and subject to periodic inundation by water.

Floor Area of Building: The sum of the gross horizontal areas of the several floors of a building and its accessory buildings on the same lot; except that in residential buildings, basement, and attic floor area not devoted to active use shall be excluded, but the area of roofed porches and roofed terraces shall be included. All dimensions shall be measured between exterior faces of walls.

Garage, Private: Any building or structure enclosed on more than two sides intended and used for the parking of the private motor vehicle(s) of the families resident upon the premises.

Garage, Public: Any building where automotive vehicles are painted, repaired, rebuilt, reconstructed and/or stored for compensation.

Home Occupation: Any use conducted entirely within a dwelling and participated in solely by members of the family, which use is clearly incidental and secondary to the use of the dwelling for dwelling purposes and does not change the character thereof,

and in connection with which there is no commodity sold upon the premises except those produced thereon. In no event shall a barber shop, salon, gift shop, or animal hospital be construed as a Home Occupation unless the individual has applied for and received a special use permit pursuant to Article VII, § 7A-7 for a special use permit to operate a barbershop or salon. Commodities incidental to the practice of cosmetology or barbering may be sold in the event a special use permit is granted.

Hotel: A building in which lodging is provided and offered to the public for compensation, and which is open to transient guests, in contradistinction to boarding or lodging houses.

Junk Yard: An open area or fenced-in enclosure where waste, discarded, or salvaged materials are bought, sold, exchanged, baled, packed, disassembled or handled; including but not limited to scrap iron and other metals, paper, rags, rubber tires, and bottles? but not including areas where such uses are conducted entirely within a completely enclosed building, or the processing of used, discarded or salvaged materials are part of a manufacturing operation.

Kenel: Any premises on which four (4) or more dogs, six (6) months or older, are kept for board, breeding or sale.

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

Lot: A parcel of land, abutting on a street, whose area, in addition to the parts thereof occupied or hereafter to be occupied by a building, structure, and/or accessory buildings, is sufficient to provide the yards required by the regulations herein given.

Lot, Corner: lot abutting upon two or more streets at their intersection.

Lot Double-Frontage: A lot having a frontage on two or more non-intersecting streets, as distinguished from a corner lot.

Lot Interior: A lot other than a corner lot.

Lot Area: The horizontal area within the lot lines of the lot.

Lot Lines: The lines bounding a lot.

Lot of Record: 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 legal description of which has been duly recorded.

Lot Depth: The mean horizontal distance between the front and rear lot lines.

Lot Width: The width of a lot measured at the building line and at right angles at its depth.

Mobile Home: Any vehicle used or maintained for use as a conveyance upon highways or public streets or waterways; so designed and constructed as to permit occupancy thereof as a dwelling unit or sleeping place for one or more persons whether attached or unattached to a permanent foundation.

Mobile Home Park: Any lot or portion of a lot upon which two (2) or more mobile homes occupied for dwelling or sleeping purposes are located regardless of whether or not a charge is made for such accommodation.

Non-Conforming Use: A building, structure, or premises lawfully occupied or under construction at the time of the enactment of the zoning regulations for the district in which it is located; also such use resulting from changes in zoning districts or in textual provisions made hereafter.

Nursing or Convalescent Home: A building or structure having accommodations and where care and room and board is provided for invalid, infirm, aged, convalescent, or physically disabled or injured persons, not including insane or other mental cases, inebriate or contagious cases.

Parking Area Public: An open area, other than a street or alley designed for use or used for the temporary parking of four (4) or more motor vehicles when available for public use, whether free or for compensation, or as an accommodation for clients, or customers, paved with a dust preventative or hard surface.

Parking Space: A permanently surfaced area of not less than two hundred (200) square feet either within a structure or in the open, inclusive of driveway or access drives, for the parking of a motor vehicle.

Primary Building Face: The side or sides of the building fronting on a street right-of-way, excluding any appurtenances such as projecting fins, columns, pilasters, canopies, marquees, showcases or decorations.

Plat: A map or chart indicating the subdivision or re-subdivision of land, intended to be duly filed for record.

Row Dwelling: Any or one of at least three (3) but no more than six (6) or more attached dwellings in a continuous row, each such dwelling designed and erected as a unit on a separate lot and separated from one another by an approved wall or walls and each unit having its own separate utilities. Also referred to as a "townhouse."

Satellite Receiving Antenna: An accessory structure often called a "dish" or "earth station antenna" the purpose of which is to receive communication including but not limited to

radio and television or other signals from satellite and other extra-terrestrial sources whether affixed to the ground as a permanent structure, to the building, or a mobile unit such as a trailer or vehicle.

Sign: Any structure or device for visual communication that is used for the purpose of bringing the subject thereof to the attention of the public. Any non-illuminated or illuminated sign with non-moving, non-flashing, and non-rotating light conforming to the applicable standards set forth in the categories below is exempt from the general sign requirements of each zoning district. However, such sign must meet all other requirements described for its category:

1. Directional/informational sign. Up to four (4) free-standing on-premise signs per non-residential lot with a maximum height of three (3) feet and a total maximum sign area per lot not to exceed thirty-two (32) square feet. One (1) off-premises sign for an institutional use may be allowed by special permit from the zoning administrator.
2. Flags. Any official governmental flag, or flag displaying the recognized symbol of a non-profit organization.
3. Historical marker. A marker, monument, plaque, or other type sign or notice located on public or private property which identifies documents or records an historical event pertaining to the structure on which it is located. One (1) sign per building no larger than twelve (12) square feet is permitted.
4. Incidental sign. A sign pertaining to specific products services, or facilities available on the premise. A maximum of five (5) signs per non-residential lot with a total maximum of thirty-two (32) square feet.
5. Institutional sign. An on-premise sign pertaining to a medical, charitable, religious, educational or civic institution with a maximum size of forty (40) square feet.

Specified Anatomical Areas:

1. Less than completely and opaquely covered human genitals, pubic region, buttocks, and female breasts below a point immediately above the top of the areola; and
2. Human male genitals in a discernible turgid state, even if completely and opaquely covered.

Specified Sexual Activities:

1. Human genitals in a state of sexual stimulation or arousal;
2. Acts of human masturbation, sexual intercourse or sodomy; and

3. Fondling or other erotic touching of human genitals, pubic region, buttocks or female breasts.

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

Street: A public or private thoroughfare, being a right-of-way of a required width, which affords a primary means of access to abutting property.

Structure: Anything constructed or erected which requires location on the ground or attachment to something having a location on the ground, including satellite receiving antenna.

Structural Alteration: Any change in the supporting members of a building including but not limited to bearing walls, load bearing partitions, columns, beams, or girders, or any substantial change in the exterior walls or roof, beyond ordinary repairs and maintenance.

Yard: An open space on the same lot with a building or structure open, unoccupied and unobstructed by structures, except as otherwise provided in this Ordinance.

Yard, Front: An open space extending across the full width of the lot and lying between the front lot line and the nearest ling of the principal building, other than the usual projection of steps.

Yard, Rear: An open space extending across the full width of the lot and lying between the rear lot line and the nearest line of the principal building, other than the usual projection of steps.

Yard, Side: An open space extending from the front yard to the rear yard between a building and the side lot line.

165.04 GENERAL REGULATIONS

165.04.01 Conformance. The regulations herein set forth shall be minimum regulations, applying uniformly to each class or kind of structure or land.

- A. No land, building or structure shall hereafter be used or occupied, and no building or structure or part thereof shall hereafter be erected, constructed, reconstructed, or structurally altered which does not conform to the regulations of the district in which it is located.
- B. No building or structure shall hereafter be erected or altered:
 1. to exceed the height;
 2. to accommodate or house a greater number of families or persons;

3. to occupy a greater percentage of lot area;
 4. to have less than minimum, in area or dimension, front yards, side yards, rear yards, or other open spaces;
 5. or in any manner contrary to the provisions of this Ordinance.
- C. No yard or lot existing at the time of passage of this Ordinance shall be changed in dimension or area to the extent that it no longer meets the requirements set forth herein. Yards or lots created after the effective date of this Ordinance shall meet at least the minimum requirements set forth herein.
- D. Modular homes, manufactured homes and mobile homes converted to real property and taxed as real estate, when placed on private property, shall have permanent frost depth footings of a perimeter foundation type or columns/piers and permanently anchored to prevent wind uplift and turnover, as specified in the Building Codes. The vertical space between the perimeter of the first floor and grade level shall be infilled with like material as utilized in site built construction with permanent frost depth footings and foundations.
- E. A residence shall contain at least one (1) entry on the street from which the property's address is determined. Such entry is not required to be the primary entry.

165.04.02 Non-conformance. Where, at the effective date of adoption or amendment of this Ordinance, lawful use of land structures, or buildings exist that are made no longer permissible under the terms of this Ordinance as enacted or amended, such use, structure, or building may continue so long as it remains otherwise lawful, subject to the following provisions:

- A. No such non-conforming use shall be enlarged, increased or extended to occupy a greater area of land than was occupied at the effective date of adoption or amendment of this Ordinance; nor may any building or structure be enlarged or altered in a way which increases or substitutes its nonconformity.
- B. No such non-conforming use, structure or building 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 Ordinance.

- C. If any such non-conforming use of land ceases for any reason for a period of more than six (6) months, any subsequent use of such land shall conform to the regulations specified by this Ordinance for the district in which such land is located.
- D. No such non-conforming structure, if destroyed by an act of God to an extent of more than eighty-five (85) percent of its replacement cost at time of destruction, shall be reconstructed except in conformity with the provisions of this Ordinance.
- E. Where non-conforming use status applies to a structure and premises in combination, removal or destruction of the structure shall eliminate the non-conforming status of the land.
- F. Any building or structure devoted to a non-conforming use with a fair market value of less than five (500) dollars, as determined by the Board of Adjustment, may be continued to a period not to exceed three years after the enactment of the regulations, whereupon such non-conforming use shall cease and thereafter such building or structure shall be removed or changed to a conforming use.

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

165.04.03 Street Frontage. No lot shall contain any building used in whole or part for residence purposes unless such lot abuts on at least one (1) street for at least the minimum width at the minimum front yard depth from the street.

165.04.04 Accessory Buildings. No accessory building structure or garage that exceeds six (6) feet in height shall be erected, except as provided hereinafter:

1. Accessory buildings, including roof overhangs, shall be at least three (3) feet from lot lines of adjoining lots in any "R" District. An accessory building within sixty (60) feet of the front yard line shall have a full side yard between it and the side lot line. On a corner lot the accessory building shall conform with the setback regulations of the principal building.
2. Accessory buildings may be erected as part of the principal building or may be connected thereto by a breezeway or similar structure. Such connected accessory buildings shall be considered as part of the principal building for all yard requirements.
3. Accessory buildings shall be at least five (5) feet from any other separate building or structure on the same lot.

4. Any accessory building, including a garage, located in any "R" District shall comply with the applicable front yard setback for the principal building.
5. Accessory buildings and structures which are constructed above the normal ground surface in any required yard area shall not occupy more than thirty (30) percent of the yard area in which it is located; however, this regulation shall not be interpreted to prohibit the construction of a garage not to exceed six hundred twenty-five (625) square feet of gross building area.
6. A garage accessory building in any "R" District shall not exceed twenty (20) feet in height to the highest measured point of the garage accessory building. All other accessory buildings in a residential use in any "R" District shall not exceed twelve (12) feet in height to the highest measured point of the accessory building, and no accessory building shall exceed the highest measured point of the main residential building or dwelling. Materials used for the roofing and siding of the accessory building must be the same material as that used for the main residential building or dwelling. If the siding of the main residential building or dwelling is brick, stucco, or a materials not available, not longer produced, the accessory building siding may be hard wood panel, lap siding, or simulated vinyl or steel lap siding with the same, blending or matching color to the main residential building or dwelling.

165.04.05 Corner Lots. For corner lots, platted or of record after the effective date of this Ordinance, the front yard regulation shall apply to both yards abutting a street right-of-way.

The side yard setback on a reversed corner lot shall not be less than the front yard setback of the interior lot to the rear of said reversed corner lot.

165.04.06 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 setback building line along the 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 or any other yard line required in this Ordinance unless specific yard requirements in this Ordinance require a greater setback.

165.04.07 Division of Property by District Boundaries. When one (1) parcel of property is divided into two (2) or more portions by reason of different zoning district classifications, each of these portions shall be used independently of the others in respective zoning classification, and for the purpose of applying the regulations of this Ordinance; each portion shall be considered as if in separate and different ownership.

165.04.08 Number of Uses on One Lot. No lot shall contain more than one (1) principal use.

165.04.09 Conversion of Dwelling. The conversion of any building into a dwelling, or the conversion of any dwelling so as to accommodate an increased number of dwelling units or families, shall be only within a district in which a new building for similar occupancy would be permitted under the zoning regulations, and only when the resulting occupancy will comply with the requirements governing new construction in such district with respect to minimum lot size, lot area per dwelling unit, dimensions of yards and other open spaces and off-street parking.

165.04.10 Minimum Floor Area. Excluding porches, garages, steps, or exterior walls; no dwelling shall contain less in square feet floor area than provided by the following schedules;

- A. Single family detached structures (floor area on ground level):

Number of Floors	Square Feet
1	800
2 or more	600

- B. All other dwelling structures (square feet excluding all common areas and common walls):

Number of Bedrooms	Square Feet
0	420
1	520
2	600
3	730
4	870

165.04.11 Essential Services. Essential services, including but not limited to telephone or other communications, electric power, gas, water, and sewer lines or facilities, including attendant poles, tower, wires, cables, conduits, vaults, laterals, pipes, mains, valves, or other distributing equipment, shall be permitted as authorized and regulated by law and other regulations of the municipality, it being the intent hereof to exempt such essential services from the application of the regulations.

165.04.12 ARCHITECTURAL DESIGN AND TREATMENT OF BUILDINGS. In order to maintain character, continuity and enhance physical appearance, the following standards shall apply to zoning districts C-0 (non-residential uses), C-1, C-2, I-1 and I-2 unless noted otherwise in this Article or Article 6. In the event that any of the standards below conflict with other standards, regulations or requirements of Federal, State, County laws or regulations, or as outlined elsewhere within this City Code, the more restrictive regulation shall apply.

- A. **Facades.** All principal and accessory buildings must be constructed so that the Primary Building Face has as its covering natural materials, rather than simulated or synthetic materials. Natural materials include, but are not limited to, stone, stone facing, brick, wood, stucco, clay tile, ceramic tile, quarry tile, terra cotta, and cut stone. Rough-faced concrete block may be used for an exterior surface where concrete block is the only option because of existing structural conditions or requirements. Materials to be excluded include, but are not limited to, plain concrete block, plain precast, fiberglass, simulated brick and stone, vinyl siding, metal siding and masonite panels. If the underlying building is constructed using either metal or concrete form walls, the metal or concrete portion of the external Primary Building Face must be completely covered with natural materials.
- B. **Exclusions.** This ordinance excludes that portion of the Primary Building Face that contains manufactured window frames, window glass, door frames and doors.
- C. **Awnings.** Awnings are allowed on any building consistent with other city codes and requirements. Any awning extending over a public sidewalk or passageway shall require a building permit with a condition of issuance being the Zoning Administrator's determination that the proposed awning complies with the appropriate snow loading standard determined to be appropriate by said administrator.
- D. **Waiver of Requirements.** Any one or more of the requirements set forth in 4A-12 may be waived by the Planning and Zoning Commission for reasons of safety or engineering, as the Commission may determine. No waiver shall be authorized or permitted for relief from any of the requirements of 4A-12 for reasons related primarily to the costs of compliance or aesthetic preferences. Any person seeking a waiver under this Section shall submit a written application to the Planning and Zoning Commission which shall include a detailed description of the safety or engineering need for a waiver.

165.04.13 VISIBILITY AT INTERSECTION IN RESIDENTIAL DISTRICTS. On a corner lot in any residential district, nothing shall be erected, placed, planted, or allowed to grow in such a manner as materially to impede vision between a height of two and one-half (2-1/2) and ten (10) feet above the centerline grades of the intersection

streets in the area bounded by the street lines forty (40) feet from the point of intersection.

165.05 ESTABLISHMENT OF DISTRICTS AND BOUNDARIES.

165.05.01 Districts. For the purpose of this Ordinance, the City is hereby divided into nine (9) types of districts:

- "A" Agricultural
- "C-0" Commercial-Residential
- "C-1" General Commercial
- "C-2" CBD Commercial
- "I-1" Light Industrial
- "I-2" Heavy Industrial
- "R-1" Single Family
- "R-2" Two Family
- "R-3" Multiple Family
- "R-4" (Reserved)
- "R-5" Planned Unit Development District.

165.05.02 Boundaries. The boundaries of said districts are indicated upon the Official Zoning Map of the City of Van Meter, Iowa, and said map and all notations, references, and other information shown thereon, shall be as much a part of this Ordinance as if the notations, references and other matters set forth by said map were all fully described herein.

In cases where the exact location of a district boundary is not clear as shown on the Official Zoning Map, the following rules shall be used in determining the location of said district boundary:

- A. Boundaries indicated as approximately following the centerlines of streets, highways, alleys, or other public right-of-ways shall be construed to follow such centerlines.
- B. Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines.
- C. Boundaries indicated as approximately following city limits shall be construed as following such limit lines.
- D. Boundaries indicated as following shore or bank lines of a river or body of water, shall be construed to follow such lines, and in the event of change in the shore line shall be construed as moving with the actual shore or bank line; boundaries indicated as following the center line of streams, rivers, canals, or other bodies of water shall be construed to follow such center lines.

- E. Boundaries that are indicated approximately as dividing a parcel or lot of property shall be determined by the use of the scale appearing on the map.
- F. Boundaries indicated as following railroad lines shall be construed to follow the right-of-way line on that side bordering against the more restrictive use.
- G. Where physical or cultural features existing on the ground are at variance with those shown on the Official Zoning Map, the Board of Adjustment shall interpret the district boundaries.

165.06 DISTRICT REGULATIONS.

165.06.01 "A" Agricultural District

- A. Intent. The agricultural district is intended and designed to preserve agricultural land from encroachment of urban land uses. Its further purposes are:
 - 1. Facilitating adequate police, fire and sanitary protection for residential uses.
 - 2. Discouraging the scattering of commercial, or industrial uses into outlying areas, resulting in excessive requirements and costs for public services.
- B. Principal Permitted Uses.
 - 1. Public parks, playgrounds and recreation areas.
 - 2. Publicly-operated golf clubs, swimming pools, country clubs or other similar recreation uses provided that any principal or accessory building in connection therewith shall be located not less than two hundred (200) feet from any lot in an "R" District.
 - 3. Public schools and educational facilities.
 - 4. Cemeteries.
 - 5. Farming, dairying, poultry husbandry and other allied agricultural operations.

6. Nursery and greenhouse, and buildings and structures necessary for the sale of their products, provided said buildings are located not *less* than twenty (20) feet from any lot line.
7. Non-farm, single family detached dwellings.
8. Farm dwellings, with all accessory buildings necessary to continue farming operation, provided that no building or confined feed lot, etc., other than a dwelling is located closer than two hundred (200) feet to any "R" District.

C. Accessory Uses.

1. Essential service facilities, including but not limited to poles, towers, pipes, vaults, and valves.
2. Picnic shelters, playground equipment, storage sheds, clubhouses, bath houses which shall not be used as dwellings.
3. Buildings, structures, and uses accessory to agricultural uses such as roadside stands, selling produce grown on the premises, provided such roadside stands are located not less than twenty (20) feet from a street or highway right-of-way line.
4. Private garages or parking areas.
5. Signs accessory to roadside stands shall be limited to two signs per lot with no sign being larger than ten (10) square feet in area and set back ten (10) feet from the right-of-way of a street or highway.

D. Area Regulations.

1. Lot Area. The minimum lot area shall be five (5) acres.
2. Lot Width. The minimum lot width shall be one hundred fifty (150) feet.
3. Yard Widths:
 - a. The minimum front yard shall be fifty (50) feet.
 - b. The minimum rear yard shall be fifty (50) feet.
 - c. The minimum side yard being fifty (50) feet; minimum on one side being twenty-five (25) feet; for residential and fifty (50) feet on each side for other uses.

4. Building Height. The maximum building height shall be two and one-half (2-1/2) stories, with a maximum height of thirty-five (35) feet

165.06.02 "R-1" Single Family Residence District

- A. Single family residential district is established as a district in which the principal use of land is for single family dwellings, to which purpose the specific intent of this section is:
 1. To encourage the continued construction and use of the area for single family dwellings.
 2. To prohibit commercial and industrial use of the land, and of any other use which would inhibit single family development of, the area.
 3. To discourage any use which would generate heavier than normal traffic on minor residential streets.
- B. Principal Permitted Uses.
 1. Single family dwellings.
 2. Churches, temples and accessory buildings.
 3. Public libraries, museums, or similar community facilities.
 4. Public parks, playgrounds, golf course and recreation areas, provided that no such use be operated primarily for gain.
 5. Public and private schools.
- C. Accessory Uses.
 1. Private garage or carport.
 2. Temporary buildings erected during the construction of a permitted use.
 3. One sign not exceeding ten (10) square feet in area referring to the construction, lease, hire or sale of a building, premises or subdivision lots, which sign shall refer to the property on which it is located, and shall be removed as soon as the premises area sold, leased or construction completed.

4. Church and school bulletin boards, not to exceed forty (40) square feet in area. Such bulletin boards shall be non-illuminated or indirectly lighted with non-moving, non-flashing, non-rotating white light.
5. One sign, non-illuminated, appurtenant to a home occupation or permitted use, not exceeding six (6) square feet on any one side thereof and not more than two sides of such sign shall be used for advertising purposes; the bottom of the surface area of such sign shall not be more than forty-two (42) inches above the ground surface upon which is erect.
6. Professional office of a member of a recognized profession, provided that; it is his primary residence, not more than one (1) assistant shall be regularly employed therein, and no colleagues or associates shall use such office; not more than one-half (1/2) the area of one (1) floor shall be used for such office.

D. Area Regulations:

1. Lot Area. The minimum lot area shall be ten thousand (10,000) square feet. Where public sewer and water facilities are not available, the minimum area shall be twenty thousand (20,000) square feet.
2. Lot Width. The minimum lot width shall be eighty (80) feet.
3. Yard Width. The minimum yard widths shall be as follows:

Use	Front Yard (feet)	Rear Yard (feet)	Side Yard (feet)
Single Family Dwelling	35	35	10% of overall lot width for each side;\n8 minimum
Single Family Dwelling in single subdivision of more than 150 lots with approval of City Council	30	25	7 per side;\nminimum 15 total
Other Buildings	35	45	10% of overall lot width for each side;\n8 minimum

4. **Building Height.** The maximum building height shall be two and one-half (2-1/2) stories, with a principal building height maximum of thirty-five (35) feet. Accessory buildings shall be a maximum twelve (12) feet in height.
5. **Minimum Single Family Dwelling Dimensions.:** Neither the minimum overall width dimensions nor the overall depth dimension of a single family dwelling shall be less than twenty (20) feet.

165.06.03 "R-2" Two Family Residence District

- A. The one and two family residence district *is* established as one designed to provide for a medium density residential development. The specific intent of this section is:
 1. To encourage construction and use of the area for single and two family dwellings.
 2. To provide for medium density housing and the attendant rise in traffic on specific collector streets.
 3. To prohibit commercial and industrial use of the land, and of any other use which would inhibit residential orientation of the area.
- B. **Principal Permitted Uses.**
 1. Any and all uses permitted under the "R-1" classification.
 2. Single family dwellings.
 3. Two family dwellings.
 4. Conversion of one family dwellings into two (2) dwellings in accordance with all lot area, frontage and yard requirements set forth in this section.
- C. **Accessory Uses.**
 1. Accessory uses permitted under the "R-1" classification.
 2. Customary home occupations, conducted entirely and solely by resident occupants in their place of abode; and provided that not more than one-half (1/2) of the area of one (1) floor be utilized for such purpose; further providing that said occupations require no external or internal structural alterations, or the use of mechanical

equipment net customarily used in dwellings. Customary home occupations to be determined by Board of Adjustment.

3. Nursery schools, or child nurseries provided that the building be located not less than twenty (20) feet from any other lot in any "R" district classification; provided that thirty (30) square feet of usable interior floor space and one hundred (100) square feet of usable outdoor play space is provided for each child. The outdoor play space must be completely enclosed by a fence not less than four (4) feet, nor more than six (6) feet in height.

D. Area Regulations.

1. Lot Area. The minimum lot area shall be eight thousand four hundred (8,400) square feet for single family dwellings and twelve thousand five hundred (12,500) square feet for a two family dwelling.
2. Lot Width. The minimum lot width shall be sixty-six feet (66) for single family dwellings and ninety feet (90) for two family dwellings.
3. Yard Width. The minimum front yard shall be thirty-five (35) feet, the minimum rear yard shall be thirty (30) feet for a dwelling and forty-five (45) feet for any other building. For two family dwellings the total side yard requirement shall be not less than twenty (20) feet, with the least side minimum being eight (8) feet. For all other buildings other than two family dwellings, lots eighty (80) feet or more for each side yard, and lots greater than eighty (80) feet wide shall have a side yard equal to or greater than ten (10) percent of the overall lot width, for each side yard.
4. Building Height. The maximum building height shall be two and one-half (2-1/2) stories, with the principal building height maximum of thirty-five (35) feet. Accessory building height maximum shall be twelve (12) feet.
5. Minimum Dwelling Dimensions. Neither the minimum overall width dimension nor the overall depth dimension of a single family dwelling shall be less than twenty (20) feet.

165.06.04 "R-3" Multiple Family Residence District

- A. The multiple family residence district is intended to be basically residential in character, designed to:

1. Stabilize and protect the essential characteristics of the district.
2. Promote a suitable environment for family life.
3. Permit certain commercial uses of a character unlikely to develop general concentration of traffic.

B. Permitted Uses.

1. Any and all uses permitted under the "R-2" classification.
2. Multi-family dwellings including row dwellings consisting of at least three (3) not more than six (6) dwelling units in an attached, continuous row, and condominium dwellings consisting of at least three (3) but not more than twelve (12) dwelling units in one building or attached structure. Further, for row dwelling units (RDU) and condominium dwelling units (CDU) to qualify as a permitted use under the terms and provisions of this classification, each dwelling unit shall have separate facilities for gas, electricity, sewerage and water.
3. Private clubs, lodges, or veterans organizations, excepting those holding beer permits or liquor licenses.
4. Boarding houses
5. Hospitals, clinics, nursing and convalescent homes, excepting animal hospitals and clinics.
6. Office of a dentist or physician.

C. Accessory Uses.

1. Accessory uses permitted under the "R-2" classification.
2. Storage garages, where the lot is occupied by a multi family dwelling.
3. Beauty parlor and barber shop when conducted as a home occupation solely by resident occupants in their place of abode and provided that not more than one quarter (1/4) of the area of one (1) floor shall be used for that purpose. An indirectly lighted sign of not over one (1) square foot in area and attached flat against the building shall be permitted.

4. One sign not exceeding thirty-two (32) square feet in area which identifies and describes the property on which it is located. Moving, flashing, or rotating illuminated signs shall not be permitted.

D. Area Regulations.

1. Lot Area. The minimum lot area shall be as follows:

Use	Minimum Lot Area
Single Family Dwelling	8,400 square feet
Two Family Dwelling	10,000 square feet, plus 2,500 square feet in excess of the 10,000 square foot minimum for each dwelling unit in excess of two dwelling units
Row Dwelling	15,000 square feet
Condominium	20,000 square feet
Bi-Attached Townhome	5,000 square feet for each townhome lot

2. Lot Width. The minimum lot width shall be as follows:

Use	Minimum Lot Width
Single Family Dwelling	75 feet
Two Family Dwelling	90 feet
Row Dwelling	20 feet per unit
Condominium	75 feet
Bi-Attached Townhome	40 feet per unit
All Other Buildings	100 feet

3. Yard Width. The minimum yard widths shall be as follows:

Use	Front Yard (feet)	Rear Yard (feet)	Side Yard (feet)
Row Dwellings and Condominiums	30	30	10 each side
Bi-Attached Townhome	30	25	0; 15 building separation required
Single Family Dwelling	35	30	10 each side
Single Family Dwellings in single subdivision of more than 150 lots with approval of City Council	30	25	7 per side; minimum 15 total
All Other Uses	35	30	10 each side

4. Building Height. The maximum building height shall be three (3) stories, with the principal building height maximum of thirty-five (35) feet.
5. Emergency Access.: There shall be at least a ten (10) foot width of unobstructed access to all sides of the structure from the nearest street in order to permit police, fire and ambulance emergency access.
6. Minimum Dwelling - Dimensions: Neither the minimum overall width dimension nor the overall depth dimension of a single family dwelling shall be less than twenty (20)feet.

165.06.05 RESERVED

165.06.06 "R-5" Planned Unit Development District

- A. Intent. The "R-5" District is intended and designed to provide a means for the development of large tracts of ground on a unit basis, allowing greater flexibility and diversification of land uses and building locations than the conventional single lot method provided in other sections of this ordinance. It is the intent of this section that the basic principles of good land use planning including an orderly and graded relationship between various types of uses be maintained and that the sound zoning standards as set forth, in this ordinance and statutes concerning population density, adequate light and air, recreation and open space, and building coverage be preserved.
- B. Procedure.
1. The owner or owners of any tract of land comprising not less than ten (10) acres to permit construction of at least thirty-two (32) dwelling units, may submit to the City Council a petition requesting a change to the "R-5" zoning district classification. Each petition shall be accompanied by five (5) copies of a development plan, which shall consist of a complete set of drawings and specifications for the proposed use and development of the entire tract of land. The development plan shall be referred to the Plan and Zoning Commission for study and report after public hearing. The Plan Commission shall review the conformity of the proposed development with the standards of the Comprehensive Plan, and with recognized principles of architectural design, land use planning and landscape architecture. The Commission may approve the plan as submitted or, before approval, may require that the applicant modify, alter, adjust, or amend the plan as the commission deems necessary to the end that it preserve the intent and purpose of this ordinance to promote public health, safety, morals, and general welfare. The development plan as approved by the Commission shall then be reported to the City Council, whereupon the City Council may approve or disapprove said plan as reported or may require such changes thereto as it deems necessary to effectuate the intent and purpose of this ordinance.
 2. If the Council approves the preliminary plan and request for rezoning, the applicant shall submit within 270 days, or longer period as may be allowed by the Council, five (5) copies of a final development plan for the entire tract of land shall be submitted to the commission. The final development plan shall then be reviewed by the commission, for compliance with the "R-S" standards and substantial compliance with the preliminary plan.

The commission's recommendations and report on the final development plan shall be referred to the Council for final approval. The Council shall review the final development plan and approve it if it complies with the standards of this section and is in substantial compliance with the preliminary development plan. The final development plan and final plat shall be approved by the Council and the final plat recorded with the County Auditor and Recorder before any building permit is issued.

3. The Council may make the approval of the development plan contingent upon the completion of construction and improvements within a reasonable period of time; provided, however, that in the determination of such period, the Council shall consider the scope and magnitude of the development project and any schedule of construction and improvements submitted by the developer. Failure to complete all construction and improvements within said period of time shall be deemed sufficient cause for the Council to rezone the unimproved property to the classification effective at the time of original submission of the development plan, unless an extension as recommended by the Commission and approved by the Council for due cause shown. Any proposed change in the development plan after approval by the Council shall be resubmitted and considered in the same manner as the original proposal. The term "unimproved" property shall mean all property situated within a stage or stages of the final development plan upon which the installation of improvements has not been commenced.

C. Plan Requirements. The development plan shall include, but is not limited to, the following required items:

1. If the proposed development includes common land which will not be dedicated to the city, and the proposed development will not be held in single ownership, proposed by-laws of a homeowner's association fully defining the functions, responsibilities and operating procedures of the association. The proposed by-laws shall include but not be limited to provisions:
 - a. Requiring membership in the association by all owners of dwelling units within the development;
 - b. Limiting the uses of the common property to those permitted by the final development;
 - c. Granting to each owner of a dwelling unit within the development the right to the use and enjoyment of the common property;

- d. Placing the responsibility for operation and maintenance of the common property in the association;
 - e. Giving every owner of a dwelling unit voting rights in the association, and
 - f. If the development will combine rental and for sale dwelling units, stating the relationship between the renters and the homeowner's associations and the rights renters shall have to the use of the common land.
2. Performance bond or bonds which shall insure to the City that the dedicated public streets, utilities, and other common development facilities shall be completed by the developer within the time specified in the final development plan.
 3. Covenant to run with the land, in favor of the City and all persons having a proprietary interest in any portion of the development premises, that the owner of the land or successors in interest will maintain all interior streets, parking areas, sidewalks, common land, parks and plantings which have not been dedicated to the City in compliance with the City ordinances.
 4. Any additional agreements required by the Council at the time of preliminary plat approval.
 5. Height and exterior design of typical proposed dwellings and the number of dwelling units in each.
 6. A plat which shall show building lines; lots and/or blocks; common land, recreation areas, and parks, streets within or abutting the proposed development, existing and proposed easements; parking areas; walks, landscaping and planting areas; development stages and timing of each; and other applicable items required by the subdivision ordinance.
- D. Standards. The land usage, minimum lot area, yard, height, and accessory uses shall be determined by the requirements set forth below, which shall prevail over conflicting requirements of this ordinance or the subdivision ordinance.
1. Buildings shall be used only for residential purposes and the accessory uses as permitted by this section. Uses along project boundary lines shall not be in conflict with those allowed in adjoining or opposite property. To this end, the Commission may

require, in the absence of an appropriate physical barrier, that uses of least intensity or a buffer of open space or screening be arranged along the borders of the project.

2. The following accessory uses shall be permitted:
 - a. Private garage or carport.
 - b. Occupant storage and similar accessory uses.
 - c. Non-commercial recreational facilities.
 - d. Community facilities including churches and schools.
3. Commercial uses, including business and professional offices, and retail convenience facilities designed to serve primarily occupants of the planned development may be permitted provided the following conditions are met:
 - a. The planned unit development shall provide for a total of at least three hundred (300) residential dwelling units, and at least one hundred fifty (150) of said units shall be completed and occupied before any commercial facilities shall be occupied.
 - b. Gross leasable floor area for commercial uses shall not exceed thirty thousand (30,000) square feet or 101; of the floor area of occupied dwelling units in the development, whichever is less. Provided further that gross leasable floor area intended for occupancy by each commercial and/or office establishment shall not exceed four thousand (4,000) square feet.
4. The minimum lot and yard requirements of the zoning districts in which the development is located shall not apply, except that minimum yards specified in the district shall be provided around the boundaries of the development. The Council may require open space or screening be located along all or a portion of the development boundaries. The height requirements of the zoning district in which the development is located shall apply within one hundred twenty-five (125) feet of the development boundary. The maximum height of any building located within the development shall be sixty (60) feet, and the maximum number of stories shall be three (3).

5. The maximum number of dwelling units permitted shall be determined by dividing the new development area by the minimum lot area per dwelling unit required by the zoning district or districts in which the area is located then multiplied by one hundred twenty (120) percent. (In the "R-2" District, the two-family dwelling requirement shall apply.) In any "C" District, "R-3" standards shall apply. New development area shall be determined by subtracting the area set aside for churches, schools and/or commercial facilities, if any, and deducting the area actually proposed for streets from the gross development area. The area of land set aside for common land, open space, or recreation shall be included in determining the number of dwelling units permitted. The maximum number of multiple dwelling units permitted shall be determined by the zoning district in which the development is located as follows:

Zoning District	Percentage of Total Units Allowed As Multiples
R-1	25
R-2	50
R-3	100

If the development area contains two (2) or more different zoning classifications, the number of dwelling units permitted shall be determined in the direct proportion to the area of each zoning classification contained in the entire tract.

6. All public streets, water mains, sanitary sewer and storm sewer facilities shall comply with appropriate ordinances and specifications of the City.
7. Any land gained within the development because of the reduction in lot sizes, below minimum zoning ordinance requirements, shall be placed in common land. "Common land" as used in this section refers to land retained in private ownership for the use of the residents of the development, or to land dedicated to the general public. A minimum of two hundred fifty (250) square feet of usable open space shall be provided for each dwelling unit.
8. Spaces for off-street parking and loading shall be provided in accordance with the provisions of Article VIII, and Section 8A2.
9. Signs on-site shall be subject to the provisions of the "C-1" classification.

10. No stage of a development shall contain less than thirty (30) dwelling units.
11. Developments or portions thereof which are being developed for sale or resale shall contain common land in area totaling not less than twenty-five (25) percent of the net development area.

165.06.07 "C-0" Commercial-Residential District

A. Intent.

1. The commercial-residential district is intended to provide for the convenience shopping of persons living in neighboring residential areas and for general uses and activities of a retail and personal service character. Only those uses are permitted which are necessary to satisfy the local needs which occur so frequently as to require commercial facilities in proximity to residential areas. In addition, low-intensity business and professional offices are permitted.

B. Principal Permitted Uses.

1. Any and all uses permitted under the "R-3" Classification.
2. Retail business or service establishments such as the following:
 - a. Confectionery stores
 - b. Delicatessens
 - c. Drug stores
 - d. Convenience grocery stores
 - e. Variety stores
3. Combinations of the above uses.
4. Business and professional offices supplying commodities or performing services primarily for residents of the neighborhood.

C. Permitted Accessory Uses.

1. Any and all accessory uses permitted under the "R-3" Classification.

2. Storage of merchandise incidental to the principal use, but not to exceed forty (40) percent of the floor area used for such use.
3. On-site exterior signs, which shall be integral or attached to the building. No sign may project over any street line or extend more than six (6) feet over any building line, whether attached thereto or to any other structure. In no case shall any sign project more than four (4) feet above the roof line or eighteen (18) inches from the building wall and must be at least seven (7) feet above grade. The total area of all signs pertaining to the use of or business conducted in any building shall be no greater than fifteen (15) percent of the wall area on which they are located. If the sign is indirectly lighted/ it shall be illuminated by artificial light reflecting from the sign face and the light source shall not be visible from any street right-of-way. Moving, flashing, or rotating illuminated signs shall not be permitted. Where the lot adjoins an "R" district, the exterior sign shall be attached flat against the building and shall not face the side of the adjacent lot located in the "R" district; however, this does not apply to the side of the building which is opposite that side adjoining the "R" district.
4. All exterior signs shall be attached flat against the building.

D. Area Regulations.

1. Lot Area. The minimum lot area shall be the same as that in the "R-3" Classification for dwelling units. No minimum requirements for any other permitted uses.
2. Lot Width. For a dwelling and any building containing any dwelling units, the minimum requirement shall be the same as that under the "R-3" Classification. There is no minimum requirement for other permitted uses.
3. Yard Width.
 - a. The minimum front yard depth shall be twenty-five (25) feet, the minimum rear yard depth that the front yard is increased over the twenty-five (25) feet.
 - b. The rear yard may be decreased proportionately, except that where the rear yard adjoins the side lot line of a lot in an "R" District, there shall be a minimum rear yard of fifteen (15) feet adjacent to said lot line.

- c. The side yard required for residential uses shall be the same as that for the "R-3" classification. There shall be no minimum requirement for any other permitted uses, except when adjoining any "R-1", "R-2", "R-3" district, or street right-of-way, in which case the side yard requirement shall be fifteen (15) feet.
- 4. Building Height. The maximum height shall be two and one-half (2-1/2) stories, or thirty-five (35) feet.
- 5. Off-Street Parking and Loading. Spaces for off-street parking and loading shall be provided in accordance with the provisions of Article VIII of this Ordinance.

165.06.08 "C-1" General Commercial District

- A. Intent. The general commercial district is intended for the conduct of general business to which the public requires direct and frequent access. The regulations set forth in this section are meant to achieve the following purposes:
 - 1. To protect commercial development against the establishment of uses which would create hazards, dust, odors, smoke or other objectionable influences or heavy trucking traffic.
 - 2. To provide appropriate space for strengthening the economic base of the community.
 - 3. To conserve the value of existing commercial buildings.
 - 4. To encourage pedestrian movement in a developed downtown.
- B. Permitted Uses.
 - 1. Private clubs, lodges, or veterans' organizations.
 - 2. Hospitals, clinics, nursing and convalescent homes.
 - 3. Any retail business or service establishment, including but not limited to the following:
 - a. Animal hospitals, veterinary clinics, or kennels; provided any exercising runway shall be at least two hundred (200) feet from any "R" District.
 - b. Automobile, truck, trailer, motorcycle, bicycle, boat and farm implement, including sales, service, repair and

accessory stores but not including wrecking, rebuilding or used parts yards.

- c. Bank, savings and loan associations. Barber shop or beauty parlor.
 - d. Clothing, sporting goods store.
 - e. Commercial recreation, such as swimming pool, skating rink, miniature golf course, trampoline center, and other similar recreational uses.
 - f. Drug store.
 - g. Florist shop.
 - h. Furniture, appliance store and repair. Grocery store or super market.
 - i. Hardware store, plumbing and heating.
 - j. Hotel, motel and motor hotel.
 - k. Jewelry Store.
 - l. Laundries and laundrettes.
 - m. Office building, business and professional, meeting halls.
 - n. Photographic studio, camera shop.
 - o. Printing shop.
 - p. Restaurant, drive-in restaurant.
 - q. Tavern and night club, provided that it is not within three hundred (300) feet of an "R" District; church, school or convalescent home.
 - r. Theatre.
4. Any and all uses permitted under "C-0" classification.
- C. Accessory Uses.

1. Any and all accessory uses permitted under the "R-3" Classification.
2. On-site exterior signs, which shall be integral or attached to the building. No sign may project over any street line or extend more than six (6) feet over any building line, whether attached thereto or to any other structure. In no case shall any sign project more than four (4) feet above the roof line or eighteen (18) inches from the building wall and must be at least seven (7) feet above grade. The total area of all signs pertaining to the use of or business conducted in any building shall be no greater than fifteen (15) percent of the wall area on which they are located. If the sign is indirectly lighted, it shall be illuminated by artificial light reflecting from the sign face and the light source shall not be visible from any street right-of-way. A sign can be internally lit. Illuminated signs shall not be moving, rotating, flashing or strobe. Message sign can display a message in a stop position for a minimum of 5 seconds and then display then next message. The message can not rotate, flash, strobe or scroll; the message is on or off. Where the lot adjoins an "R" district, the exterior sign shall be attached flat against the building and shall not face the side of the adjacent lot located in the "R" district; however, this does not apply to the side of the building which is opposite that side adjoining the "R" district.
3. Sign, pole or free-standing or ground provided that not more than two sides of such sign shall be used for advertising purposes; the bottom of the surface area of such sign shall not be less than eight (8) feet above the ground surface upon which it is erected and shall not exceed twenty (20) feet in height. A sign, free-standing or ground (a sign which is supported by one or more uprights or braces in or upon the ground and not attached to any building or wall) shall not exceed thirty-two (32) square feet in area on each side and shall have a setback of fifteen (15) feet from the property line. A sign, pole (a sign wholly supported by a sign structure in the ground) shall not exceed fifty (50) square feet in sign area on each side.

D. Area Regulations.

1. Lot Area. The minimum lot area shall be the same as that in the "R-3" classification for dwelling units; there is no minimum requirement for any other building.

2. Lot Width. For a dwelling and any building containing any dwelling units, the minimum requirement shall be the same as that under the "R-3" classification. There is no minimum required for other permitted uses.
3. Yard Width.
 - a. The minimum front yard depth shall be twenty-five (25) feet.
 - b. The minimum rear yard depth shall be thirty-five (35) feet.
 - c. For each one (1) foot that the front yard is increased over twenty-five (25) feet, the rear yard may be decreased proportionately, except that where the rear yard adjoins the side lot line of a lot in an "R" District, there shall be a minimum rear yard of ten (10) feet adjacent to said side lot line.
 - d. The side yard required for residential uses shall be the same as that for the "R-3" classification. There shall be no minimum requirement for any permitted uses, except when adjoining any "R-1", "R-2", "R3" District, or street right-of-way, in which case shall be fifteen (15) feet.
4. Building Height. The maximum height shall be three (3) stories, or forty-five (45) feet.

165.06.09 "C-2" CBD – Central Business District.

- A. Intent. The "C-2" district is intended to accommodate the variety of retail stores and related activities which occupy the prime area within the business district. No property shall be zoned "C-2" unless it lies adjacent to property zoned "C-2" Commercial.
- B. Principal Permitted Uses.
 1. Any and all uses permitted under the "C-I" Commercial classifications.
- C. Accessory Uses.
 1. Any and all accessory uses permitted under the "C-I" Commercial classification.
- D. Area Requirements.

1. Lot Area. No minimum.
2. Lot Width: No minimum.
3. Yard Width. No minimum, unless the side yard is adjacent to an "R" district, in which case the side yard shall be at least fifteen (15) feet.
4. Building Height. The maximum height shall be three (3) stories or forty-five (45) feet.

165.06.10 "C-3" Commercial District.

- A. Intent. The C-3 commercial district is intended for the conduct of general business.
- B. Principal Permitted Uses. Any and all uses permitted under the Commercial classifications except that no residential use may be used in C-3 even if otherwise allowed under C-0, C-I, or C-2.
- C. Accessory Uses. Any and all accessory uses permitted under the "C-2" Commercial classification.
- D. Area Requirements.
 1. Lot Area. No minimum.
 2. Lot Width. No minimum.
 3. Yard Width. No minimum, unless the side yard is adjacent to an "R" district, in which case the side yard shall be at least fifteen (15) feet.
 4. Building Height. The maximum height shall be three (3) stories or forty-five (45)feet.

165.06.11 "I-1" Light Industrial District.

- A. Intent. The light industrial district is established as a district permitting only those commercial uses as specified in the Principal Permitted Uses under this section. It shall be the declared purpose of this classification to promote industrial enterprises and to discourage residential building and subdivisions in the light industrial zone. It is intended to provide for light manufacturing uses which are conducted primarily within an enclosed building, and of a non-nuisance character.

B. Principal Permitted Uses.

1. The following commercial uses:
 - a. Adult entertainment.
 - b. Automobile, truck, trailer, motorcycle, bicycle, boat and farm implement, including sales, service, repair and accessory stores but not including wrecking, rebuilding or used parts yards.
 - c. Locker plant for storage and retail only.
 - d. Lumber yard - retail only.
 - e. Printing shop.
 - f. Restaurant, drive-in restaurant.
2. Uses including, but not limited to:
 - a. Automobile, tractor, and farm machinery assembly and repair.
 - b. Concrete mixing, concrete products manufacture.
 - c. Contractors' equipment or storage yard.
 - d. Creamery, dairy, ice cream manufacture, or bottling works.
 - e. Custom shop for making articles or products sold at retail on the premises.
 - f. Freight storage or warehouse, packing and crating, express, carting or hauling stations, trucking yard or terminal.
 - g. Laboratories.
 - h. Manufacture, assembling, compounding, processing, packaging or comparable treatment of the following:
 - a) Small electrical equipment such as instruments, radios, phonographs, television, electronic tubes, coils, condensers, photographic equipment and other similar types of products.

C. Accessory Uses.

1. On-site exterior signs, which shall be integral or attached to the building. The total area of all signs pertaining to the use of or business conducted in any building shall be no greater than fifteen (15) percent of the building frontage per side of building. Such signs shall be non-illuminated or may be illuminated with non-moving, non-flashing and non-rotating light from a source not visible from the public right-of-way. Where the lot adjoins an "R" district, the exterior sign shall be attached flat against the building and shall not face the side of the adjacent lot located in the "R" district. A sign, pole (a sign wholly supported by a sign structure in the ground), shall have at least eight (8) feet clearance between the bottom of the sign and the ground and shall not exceed twenty (20) feet in height with a maximum of fifty (50) square feet of sign area per side and shall have a setback of no less than two (2) feet from the street right-of-way and may not extend over the public right-of-way. A sign, ground or free-standing (a sign which is supported by one or more uprights or braces in or upon the ground and not attached to any building or wall) shall not exceed thirty-two (32) square feet in area on each side and shall have a setback of at least twenty (20) feet from the street right-of-way.
2. Accessory uses and structures customarily incidental to any principal permitted use.
3. Accessory uses permitted in the "C-2" district.

D. Required Conditions.

1. No use shall be permitted to be established or maintained which by reason of its nature or manner of operation is or may become hazardous, noxious, or offensive owing to the emission of odor, dust, smoke, cinders, gas, fumes, vibrations, refuse matter or water-carried waste.
2. Each adult entertainment establishment shall be located a minimum of one thousand (1,000) feet from any existing adult entertainment establishment.

3. Each adult entertainment establishment shall be located a minimum of five hundred (500) feet from any residentially-zoned area, church, school or park. Such measurements shall be a horizontal distance between the property line of the proposed adult entertainment establishment and the nearest residential zoning line or property line of any church, school or park.
- E. Area Regulations.
1. Lot Area. No minimum.
 2. Lot Width. No minimum.
 3. Yard Widths. The minimum front yard width is thirty (30) feet. The minimum rear yard width shall be forty (40) feet, unless the rear lot line adjoins a railroad right-of-way, in which case, none required. There shall be no minimum side yard, except adjacent to an "R" District, in which case, not less than fifty (50) feet.
 4. Building Height. The maximum building height shall be three (3) stories but not more than fifty (50) feet.

165.06.12 "I-2" Heavy Industry District.

- A. Intent. The heavy industry district is established as a district in which the principal use of land *is* for heavy commercial and industrial establishments, which may create some nuisance and which are not properly associated with nor compatible with residential, institutional and commercial-service establishments. The intent of this section is to:
1. Encourage the construction of and continued use of the land for heavy commercial and industrial purposes.
 2. Prohibit residential use of the land and to prohibit any other use which would substantially interfere with the development, continuation or expansion of commercial and industrial uses in the district.
 3. Encourage the discontinuance of existing uses that would not be permitted as new uses under the provisions of this section of the ordinance.
- B. Principal Permitted Uses.
1. Uses permitted in the "I-1" district, provided that no dwelling or dwelling unit is permitted except those for employees having duties in connection with any premises requiring them to live on

said premises, including such families of such employees when living with them.

2. Any other use not otherwise prohibited by law; provided, however, that the following uses shall be permitted subject to approval by the City Council after public hearing, and after report and recommendation by the Zoning Commission:
 - a. Acid manufacture.
 - b. Cement, lime, gypsum, or plaster of Paris manufacture.
 - c. Distillation of bones, coal tar, petroleum, refuse, grain, or wood.
 - d. Dump.
 - e. Drilling for or removal of oil, gas or other hydrocarbon substance.
 - f. Explosives manufacture or storage.
 - g. Fat rendering.
 - h. Fertilizer manufacture.
 - i. Garbage: offal or dead animal or fish reduction or dumping.
 - j. Gas manufacture.
 - k. Glue manufacture.
 - l. Grain elevators, grain drying or fee manufacture, provided that provisions are made for the recovery of the dust.
 - m. Foundry casting, lightweight non-ferrous metals.
 - n. Commercial swine and/or cattle feeding stations.
 - o. Junk yard, including automobile and truck wrecking.
 - p. Mineral extraction, including sand and gravel.
 - q. Petroleum or petroleum products refining.
 - r. Rubber goods manufacture.

- s. Smelting of ores.
 - t. Stockyard or slaughter of animals, except poultry or rabbits.
 - u. Tannery.
 - v. Junk yard, provided all activities are conducted within a solid fenced enclosure.
 - w. Mining, sand and gravel pits.
 - x. Salvage yard, automobile, tractor or machinery wrecking and used parts yards, provided all activities are conducted in a closed building. The salvage yard shall be completely closed with a solid fence.
- C. Accessory Uses.
- 1. Signs used and permitted under the "C-1" classification.
 - 2. Accessory uses incidental to a principal permitted use.
- D. Required Conditions.
- 1. All principal or accessory structures housing a use permitted under the "I-2" classification shall be located a minimum two hundred (200) feet from any "R" District.
 - 2. 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.
- E. Area Requirements.
- 1. Lot Area. No minimum.
 - 2. Lot Width. No minimum.
 - 3. Yard Widths.
 - a. The minimum front yard shall be thirty (30) feet.
 - b. The minimum rear yard width shall be forty (40) feet, unless the rear lot line adjoins a railroad right-of-way, in

which case none is required.

- c. There is no minimum required side yard, except adjacent to an "R" District, in which case not less than two hundred (200) feet as specified above.
4. **Building Height.** The maximum building height shall be three (3) stories but not more than fifty (50) feet.

165.07 EXCEPTIONS AND MODIFICATIONS.

165.07.01 Use of Existing Lots of Record. In any district where dwellings are permitted under the provisions of this Ordinance, a single-family dwelling may be located on any lot or plot of official record, recorded prior to the effective date of this Ordinance, irrespective of its area or width, provided, however:

- A. The sum of the side yard widths of any such lot or plot shall not be less than thirty (30) percent of the width of the lot, with the least side width being a minimum ten (10) percent of the lot width.
- B. The depth of the rear yard of any such lot need not exceed twenty (20) percent of the depth of the lot, but in no case shall it be less than twenty (20) feet.
- C. When two or more lots or plots have continuous frontage under single ownership, such lots shall be considered buildable only in combinations which meet the area requirements of the district in which they are located.

165.07.02 Structures Permitted Above the Height Limit. The building height limitations set forth in prior sections of this Ordinance shall be modified as follows:

- A. Chimneys, cooling towers, elevator bulkheads, fire towers, monuments, stacks, tanks, water towers, ornamental towers, spires, radio or television towers, or necessary mechanical appurtenances may be erected to a height in accordance with existing or hereinafter adopted ordinances of the City of Van Meter.
- B. Public, semi-public, or public service buildings, hospitals, sanatoriums, or schools, where permitted in a district, may be erected to a height not exceeding forty-five (45) feet. Churches and temples when permitted in a district may be erected to a height not exceeding sixty (60) feet if the building is set back from each property line at least one (1) foot for each two (2) feet of additional building height above the height limit otherwise provided in the district in which the building is located.

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

165.07.04 Computation of Rear and Side Yards. In computing the depth of a rear yard or the width of a side yard where the rear or side yard opens on an alley, one-half (1/2) of the alley width may be included as a portion of the rear or side yard as the case may be.

165.07.05 Additional Yard Exceptions. Every part of a required yard shall be open to the sky unobstructed with any building or structure, except for a permitted accessory building in a rear yard, and except for ordinary projections not to exceed twenty-four (24) inches, including roof overhang.

In areas where some lots are developed with a front yard that is less than the minimum required for the district by this Ordinance or where some lots have been developed with a front yard greater than required by this Ordinance, the following rule shall apply: Any new building or addition in front thereof shall not be closer to the street right-of-way than the average of the front yard of the first building on each side within a distance of two hundred (200) feet measured from building to building, except as follows:

- A. Building located entirely on the rear half of a lot shall not be counted.
- B. No building shall be required to have a front yard greater than fifty (50) feet.
- C. If no building exists on one side of the lot within two hundred (200) feet, the minimum front yard shall be the same as that for the building on the other side.

165.07.06 Zoning of Annexed Areas. Any land annexed to the City of Van Meter after the effective date of this Ordinance shall be zoned "A" until the Zoning Commission and City Council shall have studied the area and adopted a final zoning plan for the area in accordance with procedures set forth in this Ordinance. The final zoning plan shall be adopted within three (3) months of date of annexation.

165.07.07 Special Use Permits.

- A. The City Council of Van Meter may by special permit, after public hearing, authorize the location of any of the following buildings or uses in any district from which they are prohibited by this Ordinance. Notice of time and place of hearing shall be given to all persons owning and/or occupying property within two hundred (200) feet, excluding public right of way, of the proposed location at least fifteen (15) days in advance of hearing by special delivery letter, and to the remaining affected property owners at least fifteen (15) days prior to the hearing by placing notices in a paper of general circulation in the City.

1. Any public building erected and used by any department of the City, Township, county, State or Federal Government.
 2. Airport or landing field.
 3. Community building or recreation field.
 4. Hospitals, non-profit fraternal institutions provided they are used solely for fraternal purposes, and institutions of an education, religious, philanthropic, or eleemosynary character, provided that the building shall be set back from all yard lines such distance as may be required by the City Council in said special use permit.
 5. Pre-schools.
 6. Public cemetery.
 7. Barber shop or salon.
- B. In the case of a barber shop or salon, the permit shall not be considered in the event the barber shop or salon employs or retains as an independent contractor, or shareholder any person other than the owner, joint-tenant, or tenant-in-common of the dwelling.

In the case of a salon, the use permit shall be renewed on an annual basis at an annual cost of forty-five (45) dollars. The special use permit is renewable only upon proof of the salon's license renewal on an annual basis. The special use permit is renewable for a barber shop on a biennial basis upon proof of the barber shop's license renewal at a cost of ninety (90) dollars per biennium.

- C. Before issuance of any special permit for any of the above buildings or uses, the City Council shall refer the proposed application to the City Plan and Zoning Commission, which Commission shall be given forty-five (45) days in which to make a report regarding the effect of such proposed building or use upon the character of the neighborhood, traffic conditions, public utility facilities and other matters pertaining to the general welfare. No action shall be taken upon any application for a proposed building or use above referred to until and unless the report of the City Plan and Zoning Commission has been filed, provided, however, that if no report is received from the City Plan and Zoning Commission within forty-five (45) days, it shall be assumed that approval of the application has been given by the said Commission. Prior to the issuance of the special use permit by the City Clerk, the applicant shall pay the actual costs of publication and postage expenses incurred for the notices required by this section.

165.07.08 Area Requirements. In any "R" district, where public water supply and public sanitary sewer is not accessible, the minimum lot area and frontage requirements shall be determined by the City Council of Van Meter, Iowa, in keeping with the general objectives of this Ordinance. In no case shall the minimum lot area be less than twenty thousand (20,000) square feet.

165.08 PARKING AND LOADING AREAS.

165.08.01 Off-Street Loading Space. In any district, every building or part hereafter erected, having a gross floor area of four thousand (4,000) square feet or more, which is to be occupied by manufacturing, storage, warehouse, goods display, retail store, wholesale store, market, hotel, hospital, mortuary, laundry, dry cleaning or other uses similarly requiring the receipt or distribution by vehicles of material or merchandise, there shall be provided and maintained on the same lot with such building, at least one (1) off-street loading space plus one (1) additional such loading space for each twenty thousand (20,000) square feet or major fraction thereof of gross floor area so used in excess of four thousand (4,000) square feet. Each loading space shall be a minimum ten (10) feet in width, thirty five (35) feet in length.

165.08.02 Off-Street Parking Area.

- A. In all districts, except "C-2" Commercial, space for off-street parking and storage of vehicles shall be provided in accordance with the following minimum schedules:
1. Automobile sales and service garage: one hundred (100) percent of gross floor area.
 2. Bowling alleys: five (5) spaces for each alley.
 3. Churches and schools, funeral home, mortuary: one (1) space for each five (5) seats in the principal auditorium.
 4. Dwelling: one and one-half (1-1/2) space for each dwelling unit.
 5. Hospitals and nursing homes: one (1) space for each four (4) beds.
 6. Hotels, apartment hotels - one and one-half (1-1/2) space for each unit.
 7. Manufacturing plant: one (1) space for each three (3) employees.
 8. Motels: one (1) space for each unit.
 9. Retail markets, super markets, etc.- two hundred fifty (250) percent of gross floor area.

- B. All public or private parking areas shall be developed or maintained in accordance with the following requirements:
1. No part, except entrance and exit, or any parking lot, shall be closer than five (5) feet from any street right-of-way, alley line, or residential lot line.
 2. Any off-street parking area for five (5) or more vehicles shall be hard surfaced with asphalt concrete or Portland cement concrete or other similar material of a permanent nature.

165.09 AMENDMENTS TO THE ORDINANCE

165.09.01 Procedure. The regulations, restrictions and boundaries set forth in this Ordinance may from time to time be amended, supplemented, changed, or repealed, upon initial action by the Council, or upon application by the owner of the land involved, provided, however, that no such action may be taken until after a public hearing in relation thereto, at which parties in interest and citizens shall have an opportunity to be heard. At least fifteen (15) days notice of the time and place of such hearing shall be published in a newspaper of general circulation in the City, and in at least three conspicuous places within the municipality, one of which shall be the City Hall, one of which shall be upon the property in question, in the form of a sign approximately two (2) feet square, posted in at least one (1) location on each officially recorded lot or plot, along the front lot line of said lot or lots; and one of which shall be on a public bulletin board.

When a proposed amendment affects the zoning classification of property, and in case a protest against such change is signed by the owners of twenty (20) percent or more either of the area of the lots included in such proposed change, or of those lots or parcels of land within a two hundred (200) foot radius of the boundary lines of the proposed change, then such amendments shall not become effective except by the favorable vote of three-fourth (3/4) of the City Council.

No provision of 9A-1 should be construed to impact a change in requirements with regard to an existing zoning classification. In the case of additional or different requirements for an existing use, the only notice provided will be publication as required by Iowa Code, Section 414.4 as amended from time to time.

165.09.02 Filing Fees. Before any action shall be taken as provided in this part, the party or parties proposing a change in district regulations or boundaries shall have deposited with the City Clerk the sum of seventy-five (75) dollars to cover the approximate costs of this procedure and under no conditions shall said sum or any part thereof be refunded for failure of said amendment to be enacted into law.

165.09.03 Rejection of Amendments. In the event any application seeking amendment of the zoning ordinance is submitted by the owner of the land involved and

such application for amendment to the zoning ordinance is rejected by the council, no application seeking amendment to the zoning ordinance as it affects the same real estate shall be considered by the Planning and Zoning Commission for sixty (60) days from the date the Council rejects the previous application.

165.10 BOARD OF ADJUSTMENT

165.10.01 Procedure.

- A. **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 of Adjustment and the manner of their appointment shall be as provided by Statute.
- B. **Meetings.** The meetings of the Board shall be held at the call of the chairman, and at such other times as the Board may determine. Such chairman, or in his absence the acting chairman, may administer oaths and compel the attendance of witnesses. All meetings of the Board shall be open to the public. The Board shall keep minutes of its proceedings, showing the vote of each member on 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. The presence of three (3) members shall be necessary to constitute a quorum.
- C. **Appeals.** Appeals to the Board may be taken by any person aggrieved or by any officer, department, board or bureau of the City of Van Meter affected by any decision of the inspector of buildings. Such appeal shall be taken within ten (10) days by filing with the inspector of buildings and with the Board a notice of appeal specifying the grounds thereof. The inspector of buildings shall forthwith transmit to the Board all papers constituting the record upon which the action appealed from is taken. An appeal stays all proceedings in furtherance of the action appealed from, unless the inspector of buildings certifies to the Board, after notice of appeal should have been filed with him, that by reason of the facts stated in the certificate a stay would, in his opinion, cause imminent peril to life or property. In such case, proceedings shall not be stayed otherwise than by a restraining order which may be granted by the Board or by a court of record on application on notice to the inspector of buildings, and on due cause shown.

The Board shall fix a reasonable time not to exceed sixty (60) days for the hearing on the appeal, give public notice thereof as well as due notice to the parties in interest, and decide the same within a reasonable time. At the hearing any party may appear in person or by agent, or by attorney.

Before an appeal is filed with the Board of Adjustment, the appellant shall pay a fee of fifteen (15) dollars to be credited to the general fund of the City of Van Meter.

165.10.02 Powers and Duties of the Board. The Board shall have the following powers, and it shall be its duty:

- A. To hear and decide appeals where it is alleged there is error in any order, requirements, decision, or determination made by the inspector of buildings in the enforcement of this Ordinance.
- B. To grant a variation in the regulations when a property owner can show that his property was acquired in good faith and where by reason of exceptional narrowness, shallowness, or shape of a specific piece of property, or where by reason of exceptional topographical conditions or other strict application of the terms of this Ordinance actually prohibits the use of his property in a manner reasonably similar to that of other property in the District, or where the Board is satisfied under the evidence before it, that the granting of such variation will alleviate a clearly demonstrable hardship; provided, however, that all variations granted under this clause shall be in harmony with the intended spirit and purpose of this Ordinance.
- C. To permit the following exceptions to the district regulations set forth in this Ordinance, provided all exceptions shall be their design, construction and operation adequately safeguard the health, safety and welfare of the occupants of adjoining and surrounding property, shall not increase congestion in the public streets, shall not increase public danger of fire and safety, and shall not diminish or impair established property values in surrounding areas:
 1. To permit erection and use of a building or the use of premises or vary the height and the regulations in any location for a public service corporation for public utility purposes or for purposes of public communication, which the Board determines is reasonably necessary for the public convenience or welfare.
 2. To permit the extension of a district where the boundary line of a district divides a lot in a single ownership as shown of record or by existing contract or purchase at the time of the passage of this Ordinance, but in no case shall such extensions of the district boundary line exceed forty (40) feet in any direction.

165.11 CERTIFICATE OF ZONING COMPLIANCE

- A. No land shall be occupied or used, and no building hereafter erected or

structurally altered shall be occupied or used in whole or in part for any purpose whatsoever, until a certificate is issued by the Zoning Administrator, stating that the building and use comply with the provisions of this Ordinance.

- B. No change of use shall be made in any building or part thereof, now or hereafter erected or structurally altered, without a permit being issued therefor by the Zoning Administrator. No permit shall be issued to make a change unless the changes are in conformity with the provisions of this Ordinance.
- C. Nothing in this part shall prevent the continuance of a non-conforming use as hereinbefore authorized, unless a discontinuance is necessary for the safety of life or property.
- D. Certificates for zoning compliance shall be applied for coincidentally with the application for a building permit, and shall be issued within ten (10) days after the lawful erection or alteration of the building is completed. A record of all certificates shall be kept on file in the office of the Zoning Administrator, and copies shall be furnished on request to any person having a proprietary or tenancy interest in the building affected.
- E. No permit for excavation for, or the erection or alteration of any building shall be issued before the application has been made for certificate of zoning compliance, and no building or premises shall be occupied until that certificate and permit is issued.

165.12 ADMINISTRATION

165.12.01 Zoning Administrator. The City Council shall appoint Zoning Administrator, who shall be charged with the responsibility of enforcement of this Ordinance. The Zoning Administrator shall have the following powers and duties:

- A. To inspect and approve the zoning compliance application for conformance to the Zoning Ordinance, before the building permit is issued by the Building Department.
- B. To report all zoning violations to the City Council, including a written report of the facts pertaining to such violation.
- C. To attend all meetings of the Plan and Zoning Commission.
- D. To act as Secretary of the Board of Adjustment and to carry out and enforce any decisions or determinations by such Board.

165.12.02 Plats. Each application for a building permit shall be accompanied by a plan in duplicate drawn to scale, showing the actual dimensions of the lot to be built upon, the size, shape and location of the building to be erected and such other information as may be necessary to provide for the enforcement of this Ordinance. The Zoning Enforcement Officer must approve such building permit applications for conformance to the Zoning Ordinance before a building permit can be issued.

165.13 ENFORCEMENT, VIOLATION AND PENALTIES.

165.13.01 Enforcement. The City Council shall enforce the provisions of this Ordinance through the proper legal channels, but may delegate the duty of administering it to such officials of the City as it may deem proper.

Any person objecting to the ruling of any official on the administering of the provisions of this law shall have the right to appeal to the Board of Adjustment.

165.13.02 Violation and Penalties. In case any building is or is proposed to be located, erected, constructed, reconstructed, enlarged, changed, maintained or used, or any land is or is proposed to be used in violation of this Ordinance or any amendment or supplement thereto, the city or adjacent or neighboring property owners who would be specially damaged by such violation, in addition to other remedies provided by law, may institute injunction, mandamus, abatement or any other appropriate actions or proceedings to prevent, enjoin, abate or remove such lawful location, erection, construction, reconstruction, enlargement, change, maintenance or use.

Any person, firm or corporation who violates, disobeys, omits, neglects or refuses to comply with or who resists the enforcement of any of the provisions of this Ordinance, is guilty of a misdemeanor and, upon conviction, may be fined up to one hundred (100) dollars for each offense. Each day that a violation is permitted to exist constitutes a separate offense.

165.14 VALIDITY AND EFFECTIVE DATE.

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

165.14.02 This ordinance shall be in force and effect after its passage, approval and publication as provided by law.