

CHAPTER 167

ZONING CODE – ZONING DISTRICT USE AND DIMENSIONS

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167.01 COMPLIANCE REQUIREMENTS. No building or other structure shall be erected or altered to exceed the height of, to accommodate or house greater number of families, or to have narrower or smaller rear yards, front yards or other open spaces, than the provisions of the Zoning Code. Unless required yard setbacks can be met, no construction of a building or portion thereof, including decks or porches, shall be allowed within any established side yard, front yard or rear yard in any zoning district in the City.

167.02 SEPARATE YARDS, OPEN SPACE AND OFF-STREET PARKING. No part of a yard or other open space, or off-street parking or loading space required about or in connection with any building for the purpose of complying with the Zoning Code shall be included as part of a yard, open space or off-street parking or loading space similarly required for any other building.

167.03 MINIMUM YARD AND AREA REQUIREMENTS. No yard or lot existing at the time of passage of the Zoning Code shall be reduced in dimension or area below the minimum requirements set forth in the Zoning Code. Yards or lots created after the effective date of the Zoning Code shall meet at least the minimum requirements established by the Zoning Code. An owner of contiguous lots may petition the Council for the privilege of filing a restricted plat as set forth in Section 175.15(3) of this Code of Ordinances for the purpose of merging said contiguous lots into one larger lot. The application shall comply with all applicable zoning rules and regulations regarding use restrictions, setbacks and other provisions of this Code of Ordinances filed from the district wherein the contiguous lots are located. In addition, contiguous lots may only be merged under this provision and

pursuant to the requirements of Section 175.15(3) if the zoning classification for each lot is the same.

167.04 CLEARING AND GRADING REQUIREMENTS. This section is intended to provide the community with fair and equitable grading practices and is not meant to supersede the requirements of any other ordinance or code.

1. Protection of Utilities. The person doing or causing grading or excavation shall be responsible for the prevention of damage to any public utilities or service.
2. Protection of Adjacent Property. The person doing or causing grading or excavation is responsible for the prevention of damage to abutting property. No person shall grade or excavate on land to endanger any adjoining public street, sidewalk, alley, or other public or private property from any damage that might result from the grading or excavation.
3. Inspection Notice. The person doing or causing grading or excavation shall notify the Building Inspector at least 24 hours prior to start of work.
4. Temporary Erosion Control. The person doing or causing grading or excavation shall put into affect and maintain all precautionary measures necessary to protect adjacent watercourses and public or private property from damage by water erosion, flooding, or deposition of mud or debris originating from the site. Precautionary measures must include provisions of properly designed sediment control facilities so that downstream properties are not affected by upstream erosion, or upstream properties are not flooded by blockage of downstream drainage.
5. Traffic Control and Protection of Streets. The person doing or causing grading or excavation shall provide flag men, signs, barricades and other safety devices to ensure adequate safety when working in or near public streets.
6. Hazard From Existing Grading. Whenever any existing excavation, embankment, or fill has become a hazard to life or limb or endangers structures, or adversely affects the safety, use or stability of a public way or drainage channel, the owner of the property upon which the excavation, embankment, or fill is located or the person or agent in control of said property, upon receipt of notice in writing from the jurisdiction, shall within the period specified therein repair, reconstruct, or remove such excavation, embankment, or fill to eliminate hazard.

167.05 FENCING REQUIREMENTS. The following regulations will apply to fences within City limits.

1. It is unlawful to install or construct or cause to be installed or constructed any electric or barbed wire fence or any fence over six (6) feet in height without obtaining a permit. All applications for fence permits shall be submitted to the Building Official and shall be accompanied by a sketch or design of the proposed fence and a plot plan showing the location of the proposed fence.

2. Fences and hedges, when located within a front, side or rear yard or within five (5) feet of a lot line, shall be subject to the following location and height requirements:

A. No portion of a fence more than ten percent (10%) solid shall exceed eight (8) feet in height.

B. Fences and hedges shall be located so no part thereof is within two (2) feet of any alley or a street right-of-way line.

C. Fences and hedges shall be located so no part thereof is within five (5) feet of any utility easement.

D. Fences shall be located so that no part thereof is within one (1) foot of any property line not mentioned elsewhere.

E. On all streets, no fence or hedge more than two (2) feet in height above the curb level shall be located within a triangular area, with the legs of the triangle measured thirty (30) feet along the curb from the point the curbs of the two (2) streets intersect.

F. In R Zones or within fifty (50) feet of an R Zone along the same frontage, fences within the front yard shall not exceed four (4) feet in height. Fences may be constructed within a front yard abutting an expressway or arterial street, as listed or defined in the Comprehensive Plan, as amended, to a height not exceeding six (6) feet when:

(1) The front yard is within a double frontage lot; or

(2) The front yard is within a corner lot and abuts the front yard of a double frontage lot.

3. Except as otherwise provided, fenced enclosures shall be provided for permanent swimming pools with a depth of twenty-four (24) inches or more and for dog runs and shall be subject to the following requirements:

A. An outdoor swimming pool, the edge of which is less than four (4) feet above grade, shall be completely enclosed by a

fence not less than four (4) feet in height. The fence shall be so constructed as not to allow a five-inch diameter sphere to pass through the fence. A principal or an accessory building may be used as a part of such enclosure.

B. All gates or doors opening through an enclosure shall be equipped with a self-closing and self-latching device for keeping the gate or door securely closed at all times when not in actual use, except the door of any building which forms a part of the enclosure need not be so equipped. The Building Official may permit other protective devices or structures to be used so long as the degree of protection afforded by the substitute device or structure is not less than the protection afforded herein.

C. Dog runs shall be enclosed by a fence of sufficient height and construction to contain the dog at all times.

4. Barbed wire and electric fences shall be subject to the following requirements:

A. Barbed wire shall consist of twisted wires with barbs on each wire a minimum distance of four (4) inches apart. Concertina wire shall be prohibited.

B. Except for the enclosure of livestock operations, barbed wire fences shall be permitted only in a C or I Zone, provided the bottom strand of barbed wire shall not be less than six (6) feet above grade.

C. Except for the enclosure of livestock operations, electric fences shall not be permitted in any zone.

D. No electric fence shall carry a charge greater than twenty-five (25) milliamperes or a pulsating current lower than one-tenth (1/10) second in a one-second cycle. All electric fence charges shall carry the seal of an approved testing laboratory.

E. Barbed wire and electric fences are prohibited within five (5) feet of a public sidewalk or within four (4) feet of street right-of-way line where a public sidewalk does not exist. In the latter case, however, either fence may be installed or constructed along the right-of-way line if the property owner agrees to move the fence back the required distance within two (2) months after the installation of a public sidewalk. Said agreement shall be processed with the application for a permit.

167.06 INTERSECTION VISIBILITY REQUIREMENTS. On a corner lot in any agricultural or residential district, no fence, wall, hedge or other planting or structure that will obstruct vision between a height of two and

one-half (2½) feet and ten (10) feet above the centerline grades of the intersecting streets shall be erected, placed or maintained within the triangular area formed by the right-of-way lines at such corner lots and a straight line joining such right-of-way lines at points which are twenty-five (25) feet distant from the intersection of the right-of-way lines, and measured along the right-of-way lines.

167.07 ACCESSORY BUILDING LOCATION RESTRICTION. Accessory uses or structures are clearly incidental to the permitted uses or structures of the district, not involving the conduct of business on the premises, except home occupations, and located on the same lot or a contiguous lot under the same ownership. The following restrictions shall apply to accessory building location:

1. In all R Zones, detached accessory uses and buildings (which include but are not limited to detached garages) are subject to the following requirements, except as otherwise provided:

A. Time of Construction. Accessory buildings shall not be constructed prior to the start of construction of the principal building.

B. Setback from Property Lines. Except as otherwise provided, an accessory building shall be separated from the lot lines in compliance with the following requirements:

(1) Accessory buildings shall not be located in a front yard.

(2) An accessory building shall not be located closer than five feet to a side lot line or six feet from a rear lot line.

(3) An accessory building for a zero lot line shall comply with the requirements set forth above and shall not be located in the required ten-foot side yard.

(4) No portion of an accessory building shall be located closer than six feet to the principal building or to any other building or structure on the lot or location.

(5) Accessory buildings shall not occupy more than thirty percent (30%) of the rear yard.

(6) Accessory buildings and structures shall not exceed a height of fifteen (15) feet in any R Zone. In other zones accessory buildings and structures shall not exceed the maximum height permitted for a principal building.

2. Attached accessory buildings shall be located pursuant to the requirements for a principal building. Attached garages and carports shall be located on a lot so as to provide a minimum twenty-foot length driveway between the building and the street right-of-way line.
3. Accessory buildings must utilize in the construction and appearance the same exterior material as the principal building.
4. No side yard shall be considered or included as rear yard for purposes of calculation of the 30% of usable space for an accessory building.

167.08 MULTIPLE STRUCTURES ON LOT. In any district, more than one principal structure housing a permitted principal use may be erected on a single lot provided that the area, yard and other requirements of the Zoning Code are met for each structure as though it were on an individual lot.

167.09 HEIGHT LIMITATION EXEMPTIONS. The height limitations contained in this chapter do not apply to spires, belfries, cupolas, chimneys, water tanks, ventilators, elevator housing, or other structures placed above the roof level and not intended for direct human use or occupancy. Antennas are not subject to other height limits in this chapter, but shall not exceed 150 feet in any zone.

167.10 USE OF PUBLIC RIGHT-OF-WAY PROHIBITED. No portion of the public street or alley right-of-way shall be used or occupied by an abutting use of land or structure for storage or display purposes or to provide any parking or loading space required by the Zoning Code, or for any other purpose that would obstruct the use or maintenance of the public right-of-way.

167.11 USES PERMITTED IN GENERAL. Only those uses expressly set forth shall be allowed in each zoning district. A higher or more intensive classification district shall not include the uses of less intensive or lower districts.

167.12 APPLICABILITY. The following district regulations shall be in effect for all lots, parcels or property for which building permits have been issued after July 1, 2004, or which have been zoned or rezoned after July 1, 2004.

167.13 A-1 AGRICULTURE DISTRICT. The following regulations apply to the A-1 Agricultural District.

1. Permitted Principal Uses and Structures. The permitted principal uses and structures in the A-1 District are as follows:

- A. Agriculture, horticulture, dairy farming, livestock farming, poultry farming, general farming, truck gardening, and other agricultural activities;
 - B. Single-family dwellings;
 - C. Cemetery or mausoleum;
 - D. Churches and temples;
 - E. Public schools, elementary, junior high and high schools;
 - F. Parochial or private schools having similar curricula as public schools and having no rooms used regularly for housing or sleeping purposes;
 - G. Public, semi-public parks, playgrounds or community buildings;
 - H. Golf courses and country clubs, except miniature courses or driving ranges operated for a profit;
 - I. Boarding and riding stables;
 - J. Group homes;
 - K. Special uses as permitted in Section 167.23.
2. Permitted Accessory Uses and Structures. The permitted accessory uses and structures in the A-1 District are as follows:
- A. Private garages;
 - B. Farm buildings incidental to agricultural uses;
 - C. Private greenhouses or plant nurseries not operated for commercial purposes;
 - D. Private swimming pools;
 - E. Accessory uses or structures clearly incidental to the permitted uses or structures of this district, not involving the conduct of business on the premises, except home occupations, and located on the same lot or a contiguous lot under the same ownership;
 - F. Temporary buildings used in conjunction with construction work, provided such buildings are removed promptly upon completion of the construction work.
3. Minimum Yard Requirements. The minimum yard requirements for the A-1 District are as follows:
- A. Single-family dwelling:
 - Front, 37 feet;

Rear, 37 feet;

Side, 17 feet;

Street side, corner lot, 27 feet. Overhangs allowed to encroach two feet into the setbacks. Unenclosed porches, steps and balconies are allowed to encroach a maximum of ten feet into the rear yard or setback.

B. Schools, churches or other public or institutional buildings:

Front, 40 feet;

Rear, 40 feet;

Side, 20 feet;

Street side, corner lot, 25 feet.

4. Maximum Height. The maximum height permitted in the A-1 District shall be 35 feet.[†]

5. Minimum Lot Area and Width. The minimum lot area and width requirements in the A-1 District are as follows:

Area: 1 acre

Width: 150 feet

6. Minimum Off-Street Parking and Loading Space. The minimum off-street parking and loading space requirements in the A-1 District are as regulated under Chapter 169 of the Zoning Code.

7. Permitted Signs. Signs permitted in the A-1 District are as regulated under Chapter 168 of the Zoning Code.

[†] **EDITOR'S NOTE:** See height limitations exemptions in Section 167.09.

167.14 R-1 RESIDENTIAL DISTRICT. The following regulations apply to the R-1 Residential District.

1. Permitted Principal Uses and Structures. The permitted principal uses and structures in the R-1 District are as follows:
 - A. Single-family detached dwellings;
 - B. Churches and temples;
 - C. Public schools, elementary, junior high and high schools;
 - D. Parochial or private schools having similar curricula as public schools and having no rooms used regularly for housing or sleeping purposes;
 - E. Public and semipublic parks, playgrounds or community buildings;
 - F. Cemeteries or mausoleums;
 - G. Public utilities;
 - H. Funeral homes;
 - I. Special uses as permitted in Section 167.23.
2. Permitted Accessory Uses and Structures. Accessory uses or structures are permitted as follows:
 - A. Private garages;
 - B. Private swimming pools;
 - C. Private greenhouses not operated for commercial purposes;
 - D. Accessory uses or structures clearly incidental to the permitted uses or structures of this district, not involving the conduct of business on the premises except home occupations, and located on the same lot or a contiguous lot under the same ownership;
 - E. Temporary buildings used in conjunction with construction work, provided that such buildings are removed promptly upon completion of the construction work;
 - F. Renting of rooms to not more than two persons not members of the immediate family, so long as there is one additional off-street parking space provided per person renting;
 - G. Home occupations as defined and regulated by Section 167.23;
 - H. Signs as regulated by Chapter 168.

3. Minimum Yard Requirements. The minimum yard requirements for the R-1 District are as follows:

A. Dwellings:

Front, 27 feet;

Rear, 32 feet;

Side, one story, 10 feet; two or more stories, 12 feet;

Street side, corner lot, 27 feet. Overhangs allowed to encroach two feet into the setbacks. Unenclosed porches, steps and balconies are allowed to encroach a maximum of ten feet into the rear yard or setback.

B. Schools, churches or other public or institutional buildings:

Front, 40 feet;

Rear, 40 feet;

Side, 20 feet;

Street side, corner lot, 25 feet.

4. Maximum Height Regulations. The maximum height permitted in the R-1 District is as follows: two and one-half (2½) stories or 35 feet.[†]

5. Minimum Lot Area and Width.

Area: 8,000 square feet;

Width: 70 feet;

Corner Lot Width: 75 feet;

Except subdivisions platted prior to the adoption of this Zoning Code shall provide a minimum area of 7,200 square feet and a minimum width of 60 feet.

6. Minimum Off-street Parking and Loading Space. The minimum off-street parking and loading space requirements in the R-1 District are as regulated under Chapter 169 of the Zoning Code.

7. Permitted Signs. Signs permitted in the R-1 District are as regulated under Chapter 168 of the Zoning Code.

[†] **EDITOR'S NOTE:** See height limitations exemptions in Section 167.09.

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167.15 R-2 RESIDENTIAL DISTRICT. The following regulations apply to the R-2 Residential District.

1. Permitted Principal Uses and Structures. The permitted principal uses and structures in the R-2 District are as follows:

- A. Single-family detached dwellings;
- B. Two-family dwellings;
- C. Renting of rooms to not more than four persons not members of the immediate family, so long as there is one additional off-street parking space provided per person renting;
- D. Churches and temples;
- E. Public schools, elementary, junior high and high schools;
- F. Parochial or private schools having similar curricula as public schools and having no rooms used regularly for housing or sleeping purposes;
- G. Public and semipublic parks, playgrounds or community buildings;
- H. Hospitals, sanitariums, rest, nursing, and convalescent homes, homes for orphan and aged on sites of one acre or more;
- I. Cemeteries or mausoleums;
- J. Public utilities;
- K. Funeral homes;
- L. For those lots in the district platted before 1965 and having frontage on Iowa Highway 1 or 382, the following uses shall be allowed on the terms and conditions set forth below: florists, antique shops, insurance or professional offices, real estate offices, or medical offices and clinics.

(1) In order to qualify for the permitted uses H through K set forth above, there must be provided an off-street hard surface parking area accommodating at least five (5) parking spaces, and landscape or fence-type barriers screening the parking area from adjoining structures.

(2) No more than two full time employees and one part time employee may be working at the business at the same time. The hours of operation shall be limited to no earlier than 8:00 a.m. and no later than 8:00 p.m.,

Monday through Saturday, with no business activity allowed on Sunday until after 12:00 p.m.

(3) No outside commercial lighting shall be permitted outside of business hours as set forth herein.

M. Special uses as permitted in Section 167.23.

2. Permitted Accessory Uses. Accessory uses or structures are permitted as follows:

A. Private garages;

B. Private swimming pools;

C. Private greenhouses not operated for commercial purposes;

D. Accessory uses or structures clearly incidental to the permitted uses or structures of this district, not involving the conduct of business on the premises except home occupations, and located on the same lot or a contiguous lot under the same ownership;

E. Temporary buildings used in conjunction with construction work, provided that such buildings are removed promptly upon completion of the construction work;

F. Renting of rooms to not more than four persons not members of the immediate family, so long as there is one additional off-street parking space provided per person renting;

G. Home occupations as defined and regulated by Section 167.23;

H. Signs as regulated by Chapter 168.

3. Minimum Yard Requirements. The minimum yard requirements for the R-2 District are as follows:

A. Dwellings:

Front, 27 feet;

Rear, 32 feet;

Side, one story, 10 feet; two or more stories, 12 feet;

Street side, corner lot, 27 feet. Overhangs allowed to encroach two feet into the setbacks. Unenclosed porches, steps and balconies are allowed to encroach a maximum of ten feet into the rear yard or setback.

B. Schools, churches or other public or institutional buildings:

Front, 40 feet;

Rear, 40 feet;

Side, 20 feet;

Street side, corner lot, 25 feet.

4. Maximum Height Regulations. The maximum height permitted in the R-2 District is as follows: two and one-half (2½) stories or 35 feet.[†]

5. Minimum Lot Area and Width.

Area: 8,000 square feet;

Width: 70 feet;

Corner Lot Width: 75 feet;

Except subdivisions platted prior to the adoption of this Zoning Code shall provide a minimum area of 7,200 square feet and a minimum width of 60 feet.

6. Minimum Off-Street Parking and Loading Space. The minimum off-street parking and loading space requirements in the R-2 District are as regulated under Chapter 169 of the Zoning Code.

7. Permitted Signs. Signs permitted in the R-2 District are as regulated under Chapter 168 of the Zoning Code.

[†] **EDITOR'S NOTE:** See height limitations exemptions in Section 167.09.

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167.16 R-3 RESIDENTIAL DISTRICT. The following regulations apply to the R-3 Residential District.

1. Permitted Principal Uses and Structures. The permitted principal uses and structures in the R-3 District are as follows:
 - A. Single-family detached dwellings;
 - B. Two-family dwellings;
 - C. Multifamily dwellings;
 - D. Churches and temples;
 - E. Public schools, elementary, junior high and high schools;
 - F. Parochial or private schools having similar curricula as public schools and having no rooms used regularly for housing or sleeping purposes;
 - G. Public and semipublic parks, playgrounds or community buildings;
 - H. Hospitals, sanitariums, rest, nursing, and convalescent homes, homes for orphan and aged on sites of one acre or more;
 - I. Cemeteries or mausoleums;
 - J. Public utilities;
 - K. Funeral homes;
 - L. Special uses as permitted in Section 167.23.
2. Permitted Accessory Uses. Accessory uses or structures are permitted as follows:
 - A. Private garages;
 - B. Private swimming pools;
 - C. Private greenhouses not operated for commercial purposes;
 - D. Accessory uses or structures clearly incidental to the permitted uses or structures of this district, not involving the conduct of business on the premises except home occupations, and located on the same lot or a contiguous lot under the same ownership;
 - E. Temporary buildings used in conjunction with construction work, provided that such buildings are removed promptly upon completion of the construction work;

- F. Renting of rooms to not more than four persons not members of the immediate family, so long as there is one additional off-street parking space provided per person renting;
 - G. Home occupations as defined and regulated by Section 167.23.
3. Minimum Yard Requirements. The minimum yard requirements for the R-3 District are as follows:
- A. Dwellings:
 - Front, 27 feet;
 - Rear, 32 feet;
 - Side, one story, 10 feet; two or more stories, 12 feet;
 - Street side, corner lot, 27 feet. Overhangs allowed to encroach two feet into the setbacks. Unenclosed porches, steps and balconies are allowed to encroach a maximum of ten feet into the rear yard or setback.
 - B. Schools, churches or other public or institutional buildings:
 - Front, 40 feet;
 - Rear, 40 feet;
 - Side, 20 feet;
 - Street side, corner lot, 25 feet.
4. Maximum Height Regulations. The maximum height permitted in the R-3 District is as follows: three (3) stories or 42 feet.[†]
5. Minimum Lot Area and Width.
- A. Single Family Dwellings:
 - Area: 6,000 square feet
 - Width: 60 feet
 - Corner Lot Width: 65 feet
 - B. Two-Family Dwellings:
 - Area: 8,000 square feet
 - Width: 70 feet
 - Corner Lot Width: 75 feet
 - C. Multi-Family Dwellings:

[†] **EDITOR'S NOTE:** See height limitations exemptions in Section 167.09.

Area: 6,000 square feet plus 1,500 square feet per family

Width: 80 feet

Corner Lot Width: 85 feet

6. Minimum Off-street Parking and Loading Space. The minimum off-street parking and loading space requirements in the R-3 District are as regulated under Chapter 169 of the Zoning Code.

7. Permitted Signs. Signs permitted in the R-3 District are as regulated under Chapter 168 of the Zoning Code.

167.17 R-4 RESIDENTIAL DISTRICT. The purpose of this section is to provide for a zoning district intended to provide a low-density residential area for single-family dwelling units jointed together on either side of a common wall between units. The single-family dwellings will be laterally joined together on a common boundary line. The following regulations apply to the R-4 Residential District.

1. Use Regulations. Premises in the R-4 District may be used for two-unit family dwellings only; provided, however, no more than two persons not members of the family may room in each living unit which is a part of a two-family dwelling, and the same will be specifically subject to and conditioned upon compliance with the following requirements:

A. A division of the lot or parcel of land into two separate parcels shall be done in such a manner as to result in a single-family unit being located on either side of the common boundary line with a common wall between the two laterally joined single-family dwellings.

B. The lot lines for each two-unit family dwelling must have a standard fire wall between them that is built in such a manner as to allow no connections other than the wall itself between the units.

C. Prior to a division into two parcels, there shall be prepared restrictive and protective covenants, reviewed and approved by the City, providing that any owners of a unit of the two-unit family dwelling shall be jointly and severally liable and responsible for the maintenance and repair of the common wall as well as all other aspects including but not limited to utilities, water, sanitary sewer, storm sewer, easements and driveways. Up to the dividing line, separate water and sewer lines will be furnished to each unit. The covenants, after approval of the City, shall be recorded in the office of the County Recorder and shall be a covenant running with the land.

2. Permitted Principal Uses and Structures. The permitted principal uses and structures in the R-4 District are as follows:

A. Single-family attached dwellings;

B. Churches and temples;

C. Public schools, elementary, junior high and high schools;

D. Parochial or private schools having similar curricula as public schools and having no rooms used regularly for housing or sleeping purposes;

- E. Public and semi-public parks, playgrounds or community buildings;
- F. Cemeteries or mausoleums;
- G. Public utilities;
- H. Funeral homes;
- I. Special uses as permitted in Section 167.23.

3. Permitted Accessory Uses. Accessory uses or structures are permitted as follows:

- A. Private garages;
- B. Private swimming pools;
- C. Private greenhouses not operated for commercial purposes;
- D. Accessory uses or structures clearly incidental to the permitted uses or structures of this district, not involving the conduct of business on the premises except home occupations, and located on the same lot or a contiguous lot under the same ownership;
- E. Temporary buildings used in conjunction with construction work, provided that such buildings are removed promptly upon completion of the construction work;
- F. Renting of rooms to not more than four persons not members of the immediate family, so long as there is one additional off-street parking space provided per person renting;
- G. Home occupations as defined and regulated by Section 167.23.

4. Minimum Yard Requirements. The minimum yard requirements for the R-4 District are as follows:

- A. Dwellings:
 - Front, 27 feet;
 - Rear, 32 feet;
 - Side, one story, 10 feet; two or more stories, 12 feet;
 - Street side, corner lot, 27 feet. Overhangs allowed to encroach two feet into the setbacks. Unenclosed porches, steps and balconies are allowed to encroach a maximum of ten feet into the rear yard or setback.

B. Schools, churches or other public or institutional buildings:

Front, 40 feet;

Rear, 40 feet;

Side, 20 feet;

Street side, corner lot, 25 feet.

5. Maximum Height Regulations. The maximum height permitted in the R-4 District is as follows: two and one-half (2½) stories or 35 feet.[†]

6. Minimum Lot Area and Width.

Area: 9,600 square feet;

Width: 80 feet;

Corner Lot Width: 85 feet.

7. Minimum Off-Street Parking and Loading Space. The minimum off-street parking and loading space requirements in the R-4 District are as regulated under Chapter 169 of the Zoning Code.

8. Permitted Signs. Signs permitted in the R-4 District are as regulated by Chapter 168 of the Zoning Code.

[†] **EDITOR'S NOTE:** See height limitations exemptions in Section 167.09.

167.18 C-R RETAIL COMMERCIAL DISTRICT. The following regulations apply to the C-R Retail Commercial District.

1. Permitted Principal Uses and Structures. The permitted principal uses and structures in the C-R District are as follows:

A. Retail businesses including the following:

- (1) Appliance store;
- (2) Auto accessory store;
- (3) Bakery with baking limited to goods for retail sales on the premises;
- (4) Book or stationery store;
- (5) Café or restaurant;
- (6) Camera or photographic supply shop;
- (7) Candy or ice cream store;
- (8) Delicatessen;
- (9) Drug store;
- (10) Fabric shop;
- (11) Floor covering store;
- (12) Florist shop;
- (13) Furniture store, including incidental upholstery;
- (14) Gift shop;
- (15) Grocery store;
- (16) Haberdashery or women's ready-to-wear shop;
- (17) Hardware or paint store;
- (18) Hobby shop;
- (19) Jewelry store;
- (20) Meat market;
- (21) Shoe store;
- (22) Variety shop.

B. Service establishments including the following:

- (1) Bank or other financial enterprise;
- (2) Barber or beauty shop;
- (3) Business or professional office, studios;

- (4) Personal services;
- (5) Clothes cleaning or laundry pick-up station;
- (6) Self service laundry;
- (7) Meeting hall, club or fraternal organization;
- (8) Apartments above a store or shop;
- (9) Music and dancing studios;
- (10) Churches and temples.

C. Public uses including:

- (1) Public utility;
- (2) Public parking lot;
- (3) Parks, playgrounds, community buildings.

D. The following uses when occupying completely enclosed building located at least one hundred (100) feet from any residential zone:

- (1) Dance hall, bar, or cocktail lounge, nightclub, and similar enterprise;
- (2) Furniture upholstery shop only when operated in conjunction with a retail business on the premises;
- (3) Printing, publishing, engraving, or lithographing shop;
- (4) Laundry and dry cleaning shop.

E. Special uses as permitted in Section 167.23.

F. Carnivals, circuses, fairs, and road shows when a permit granted by City Council.

2. Permitted Accessory Uses and Structures.

A. Private greenhouses not operated for commercial purposes;

B. Accessory uses or structures of this district clearly incidental to the permitted uses or structures of this district and located on the same lot or a contiguous lot under the same ownership;

C. Temporary buildings used in conjunction with construction work, provided that such buildings are removed promptly upon completion of the construction work;

- D. Renting of rooms to not more than four persons not members of the immediate family, so long as there is one additional off-street parking space provided per person renting.
3. Minimum Yard Requirements. The minimum yard requirements for the C-R District are as follows:
- A. Setbacks For Dwellings:
Front, 27 feet;
Rear, 32 feet;
Side, one story, 10 feet; two or more stories, 12 feet;
Street side, corner lot, 27 feet. Overhangs allowed to encroach two feet into the setbacks. Unenclosed porches, steps and balconies are allowed to encroach a maximum of ten feet into the rear yard or setback.
- B. Setbacks For Institutional Uses:
Front, 25 feet;
Rear, 30 feet;
Side, 25 feet;
Street side, corner lot, 25 feet.
- C. Setbacks For Commercial Uses: No yard setback shall be required except: (i) where apartments are above a store or shop, in which case a rear yard of 20 feet shall be provided; and (ii) where any commercial or industrial district is adjacent to an agricultural or residential district, the setback shall be 25 feet, depending on which yard abuts the agricultural or residential district except where a public street or alley separates the two districts, in which case no setback is required.
4. Maximum Height Regulations. The maximum height permitted in the C-R District is as follows: two and one-half (2½) stories or 35 feet.[†]

[†] **EDITOR'S NOTE:** See height limitations exemptions in Section 167.09.

5. Minimum Lot Area and Width.
 - A. For multi-family dwellings:
 - Area: 6,000 square feet plus 1,500 square feet for each family above one
 - Width: 80 feet
 - B. For commercial uses: no minimums.
6. Minimum Off-street Parking and Loading Space. The minimum off-street parking and loading space requirements in the C-R District are as regulated under Chapter 169 of the Zoning Code.
7. Permitted Signs. Signs permitted in the C-R District are as regulated under Chapter 168 of the Zoning Code:

167.19 C-G GENERAL COMMERCIAL DISTRICT. The following regulations apply to the C-G General Commercial District.

1. Permitted Principal Uses and Structures. The permitted principal uses and structures in the C-G District are as follows:

A. Retail and wholesale businesses including the following:

- (1) Appliance store;
- (2) Auto accessory store;
- (3) Bakery with baking limited to goods for retail sales on the premises;
- (4) Book or stationery store;
- (5) Café or restaurant;
- (6) Camera or photographic supply shop;
- (7) Candy or ice cream store;
- (8) Delicatessen;
- (9) Drug store;
- (10) Fabric shop;
- (11) Floor covering store;
- (12) Florist shop;
- (13) Furniture store, including incidental upholstery;
- (14) Gift shop;
- (15) Grocery store;
- (16) Haberdashery or women's ready-to-wear shop;
- (17) Hardware or paint store;
- (18) Hobby shop;
- (19) Jewelry store;
- (20) Meat market;
- (21) Shoe store;
- (22) Variety shop;
- (23) Department store;
- (24) Automotive sales, service, and repair;
- (25) Wholesale display rooms and offices;
- (26) Car washes.

- B. Service establishments including the following:
- (1) Bank or other financial enterprise;
 - (2) Barber or beauty shop;
 - (3) Business or professional office, studios;
 - (4) Personal services;
 - (5) Clothes cleaning or laundry pick-up station;
 - (6) Self service laundry;
 - (7) Meeting hall, club or fraternal organization;
 - (8) Apartments above a store or shop;
 - (9) Music and dancing studios;
 - (10) Funeral home;
 - (11) Theater;
 - (12) Business/trade school;
 - (13) Day care facility;
 - (14) Churches and temples;
 - (15) Repair shops;
 - (16) Motor fuel stations and convenience stores with no more than one bay car wash permitted.
- C. Public uses including:
- (1) Public utility;
 - (2) Public parking lot;
 - (3) Parks, playgrounds, community buildings.
- D. The following uses when occupying completely enclosed building located at least one hundred (100) feet from any residential zone:
- (1) Bowling alley, pool hall or billiard parlor, dance hall, bar, or cocktail lounge, nightclub, and similar enterprise;
 - (2) Furniture upholstering shop;
 - (3) Printing, publishing, engraving, or lithographing shop;
 - (4) Laundry and dry cleaning shop;
 - (5) Small-animal hospitals and veterinary clinics;

(6) Automobile, truck, trailer, and garden and farm implement establishments for display, hire, sales, including sales lots;

(7) Bottling of soft drinks or milk, or distribution stations;

(8) Carpenter shop, electrical, heating, ventilating or plumbing shop;

(9) Sign painting shop;

(10) Automobile repair garage doing major repair, including tire re-treading or recapping, battery service and repair.

E. Special uses as permitted in Section 167.23.

F. Carnivals, circuses, fairs, and road shows when a permit granted by City Council.

2. Permitted Accessory Uses and Structures.

A. Private greenhouses not operated for commercial purposes;

B. Accessory uses or structures of this district clearly incidental to the permitted uses or structures of this district and located on the same lot or a contiguous lot under the same ownership;

C. Temporary buildings used in conjunction with construction work, provided that such buildings are removed promptly upon completion of the construction work;

D. Renting of rooms to not more than four persons not members of the immediate family, so long as there is one additional off-street parking space provided per person renting.

3. Minimum Yard Requirement. The minimum yard requirements for the C-G District are as follows:

A. Setbacks For Dwellings:

Front, 27 feet;

Rear, 32 feet;

Side, one story, 10 feet; two or more stories, 12 feet;

Street side, corner lot, 27 feet. Overhangs allowed to encroach two feet into the setbacks. Unenclosed porches, steps and balconies are allowed to encroach a maximum of ten feet into the rear yard or setback.

B. Setbacks For Institutional Uses:

Front, 25 feet;

Rear, 30 feet;

Side, 25 feet;

Street side, corner lot, 25 feet.

C. Setbacks For Commercial Uses: No yard setback shall be required except: (i) where apartments are above a store or shop, in which case a rear yard of 20 feet shall be provided; and (ii) where any commercial or industrial district is adjacent to an agricultural or residential district, the setback shall be 25 feet, depending on which yard abuts the agricultural or residential district except where a public street or alley separates the two districts, in which case no setback is required.

4. Maximum Height Regulations. The maximum height permitted in the C-G District is as follows: two and one-half (2½) stories or 35 feet.[†]

5. Minimum Lot Area and Width.

A. For multi-family dwellings:

Area: 6,000 square feet plus 1,500 square feet for each family above one

Width: 80 feet

B. For commercial uses: no minimums.

6. Minimum Off-street Parking and Loading Space. The minimum off-street parking and loading space requirements in the C-G District are as regulated under Chapter 169 of the Zoning Code.

7. Permitted Signs. Signs permitted in the C-G District are as regulated under Chapter 168 of the Zoning Code.

[†] **EDITOR'S NOTE:** See height limitations exemptions in Section 167.09.

167.20 C-H HIGHWAY COMMERCIAL DISTRICT. The following regulations apply to the C-H Highway Commercial District.

1. Permitted Principal Uses and Structures. The permitted principal uses and structures in the C-H District are as follows:

A. Retail and wholesale businesses including the following:

- (1) Appliance store;
- (2) Auto accessory store;
- (3) Bakery with baking limited to goods for retail sales on the premises;
- (4) Book or stationery store;
- (5) Café, restaurant, or drive-through eating establishments;
- (6) Camera or photographic supply shop;
- (7) Candy or ice cream store;
- (8) Delicatessen;
- (9) Drug store;
- (10) Fabric shop;
- (11) Floor covering store;
- (12) Florist shop;
- (13) Furniture store, including incidental upholstery;
- (14) Gift shop;
- (15) Grocery store;
- (16) Haberdashery or women's ready-to-wear shop;
- (17) Hardware or paint store;
- (18) Hobby shop;
- (19) Jewelry store;
- (20) Meat market;
- (21) Shoe store;
- (22) Variety shop;
- (23) Department store;
- (24) Automotive sales, service, and repair;
- (25) Wholesale display rooms and offices;

- (26) Wholesale businesses and warehouses;
- (27) Lumberyards, if enclosed on all sides by an eight foot high solid fence;
- (28) Implement stores;
- (29) Farm implement sales, service, and repair;
- (30) Creamery, hatchery, feed and grain mixing.

B. Service establishments including the following:

- (1) Bank or other financial enterprise;
- (2) Barber or beauty shop;
- (3) Business or professional office, studios;
- (4) Personal services;
- (5) Clothes cleaning or laundry pick-up station;
- (6) Self service laundry;
- (7) Meeting hall, club or fraternal organization;
- (8) Apartments above a store or shop;
- (9) Music and dancing studios;
- (10) Funeral home;
- (11) Theater;
- (12) Business/trade school;
- (13) Day care facility;
- (14) Churches and temples;
- (15) Repair shops;
- (16) Motels, hotels, lodging, boardinghouses;
- (17) Storage garages;
- (18) Bus station;
- (19) Commercial parking lot;
- (20) Motor fuel stations and convenience stores;
- (21) Animal hospitals and veterinary clinics;
- (22) Commercial baseball field, bath house, or boat house, golf driving range, skating rink, swimming pool, or similar open air recreational uses and facilities;
- (23) Car wash;

(24) Bowling alley, pool hall or billiard parlor, dance hall, bar, or cocktail lounge, nightclub, and similar enterprise;

(25) Furniture upholstering shop;

(26) Printing, publishing, engraving, or lithographing shop;

(27) Laundry and dry cleaning shop;

(28) Automobile, truck, trailer, and garden and farm implement establishments for display, hire, sales, including sales lots;

(29) Bottling of soft drinks or milk, or distribution stations;

(30) Carpenter shop, electrical, heating, ventilating or plumbing shop;

(31) Sign painting shop;

(32) Automobile repair garage doing major repair, including tire re-treading or recapping, battery service and repair.

C. Public uses including:

(1) Public utility;

(2) Public parking lot;

(3) Parks, playgrounds, community buildings.

D. Special uses as permitted in Section 167.23.

2. Permitted Accessory Uses and Structures.

A. Private greenhouses not operated for commercial purposes;

B. Accessory uses or structures of this district clearly incidental to the permitted uses or structures of this district and located on the same lot or a contiguous lot under the same ownership;

C. Temporary buildings used in conjunction with construction work, provided that such buildings are removed promptly upon completion of the construction work;

D. Renting of rooms to not more than four persons not members of the immediate family, so long as there is one additional off-street parking space provided per person renting.

3. Minimum Yard Requirement. The minimum yard requirements for the C-H District are as follows:

A. Setbacks For Dwellings:

Front, 27 feet;

Rear, 32 feet;

Side, one story, 10 feet; two or more stories, 12 feet;

Street side, corner lot, 27 feet. Overhangs allowed to encroach two feet into the setbacks. Unenclosed porches, steps and balconies are allowed to encroach a maximum of ten feet into the rear yard or setback.

B. Setbacks For Institutional Uses:

Front, 25 feet;

Rear, 30 feet;

Side, 25 feet;

Street side, corner lot, 25 feet.

C. Setbacks For Commercial Uses: No yard setback shall be required except: (i) where apartments are above a store or shop, in which case a rear yard of 20 feet shall be provided; and (ii) where any commercial or industrial district is adjacent to an agricultural or residential district, the setback shall be 25 feet, depending on which yard abuts the agricultural or residential district except where a public street or alley separates the two districts, in which case no setback is required.

4. Maximum Height Regulations. The maximum height permitted in the C-H District is as follows: two and one-half (2½) stories or 35 feet.[†]

5. Minimum Lot Area and Width.

Area: 1 acre

Width: 150 feet

6. Minimum Off-street Parking and Loading Space. The minimum off-street parking and loading space requirements in the C-H District are as regulated under Chapter 169 of the Zoning Code.

7. Permitted Signs. Signs permitted in the C-H District are as regulated under Chapter 168 of the Zoning Code.

[†] **EDITOR'S NOTE:** See height limitations exemptions in Section 167.09.

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167.21 I-L LIGHT INDUSTRIAL DISTRICT. The following regulations apply to the I-L Industrial District.

1. Permitted Principal Uses and Structures. The permitted principal uses and structures in the I-L District are as follows:

- A. Public garages and storage garages;
- B. Public utilities;
- C. Railroads;
- D. Freight and passenger terminals;
- E. Bulk storage of inflammable liquid;
- F. Manufacturing and processing;
- G. Bulk storage of liquid fertilizers;
- H. Grain storage and/or processing;
- I. Concrete batching or ready-mix plants;
- J. Contractor offices;
- K. Salvage yards;
- L. Storage of equipment;
- M. Public uses including:
 - (1) Public utility;
 - (2) Public parking lot;
 - (3) Parks, playgrounds, community buildings;
- N. Special uses as permitted in Section 167.23.

2. Permitted Accessory Uses and Structures. The permitted accessory uses and structures in the I-L District are as follows:

- A. Dwelling units for watchmen or caretakers employed on the premises;
- B. Any use or structure clearly incidental to the permitted uses of this district;
- C. Temporary buildings used in conjunction with construction work provided such buildings are removed promptly upon completion of the construction work.

3. Minimum Yard Requirements. The minimum yard requirements for the I-L District are as follows:

Setbacks:

Front, 25 feet;

Rear, none, except where abutting an A District or R District, in which case a 20-foot rear yard shall be provided;

Side, none, except where abutting an A District or R District, in which case a 10 foot side yard shall be provided.

4. Maximum Height Regulations. The maximum height permitted in the I-L District is as follows: three and one-half stories or 50 feet.[†]
5. Minimum Lot Area and Width. Minimum lot area and width requirements in the I-L District are as follows: None.
6. Minimum Off-street Parking and Loading Space. The minimum off-street parking and loading space requirements in the I-L District are as regulated under Chapter 169 of the Zoning Code.
7. Permitted Signs. Signs permitted in the I-L District are as regulated under Chapter 168 of the Zoning Code:

[†] **EDITOR'S NOTE:** See height limitations exemptions in Section 167.09.

167.22 NONCONFORMING STRUCTURES AND USES.

1. Purpose. Within the districts established by the Zoning Code or amendments that may later be adopted there exist lots, structures and uses of land and structures which were lawful before the Zoning Code was passed or amended, but which would be prohibited, regulated or restricted under the terms of the Zoning Code or future amendment. It is the intent of the Zoning Code to permit these nonconformities to continue until they are removed, but not to encourage their survival. Such uses are declared by the Zoning Code to be incompatible with permitted uses in the districts involved. It is further the intent of the Zoning Code that nonconformities shall not be enlarged upon, expanded or extended, or be used as grounds for adding other structures or uses prohibited elsewhere in the same district. A nonconforming use of a structure, a nonconforming use of land, or a nonconforming use of a structure and land shall not be extended or enlarged after passage of the Zoning Code by attachment on a building or premises of additional signs intended to be seen from off the premises, or by the addition of other uses of a nature which would be prohibited generally in the district involved. To avoid undue hardship, nothing in the Zoning Code shall be deemed to require a change in the plans, construction or designated use of any building on which actual construction was lawfully begun prior to the effective date of adoption or amendment of the Zoning Code and upon which actual building construction has been diligently carried on. Actual construction is defined to include the placing of construction materials in permanent position and fastened in a permanent manner; except that where demolition or removal of an existing building has been substantially begun preparatory to rebuilding, such demolition or removal shall be deemed to be actual construction, provided that work shall be diligently carried on until completion of the building involved.

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

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

3. Nonconforming Uses of Land. Where, at the effective date of adoption or amendment of the Zoning Code, lawful use of land exists that is made no longer permissible under the terms of the Zoning Code as enacted and amended, such use may be continued, so long as it remains otherwise lawful, subject to the following provisions:

A. No such nonconforming use shall be enlarged or increased or extended to occupy a greater area of land than was occupied at the effective date of adoption or amendment of the Zoning Code.

B. No such nonconforming use shall be moved in whole or in part to any other portion of the lot or parcel occupied by such use at the effective date of adoption or amendment of the Zoning Code.

C. If any such nonconforming use of land ceases for any reason for a period of more than one year, any subsequent use of such land shall conform to the regulations specified by the Zoning Code for the district in which such land is located.

4. Nonconforming Structures. Where a lawful structure exists at the effective date of adoption or amendment of the Zoning Code that could not be built under the terms of the Zoning Code by reason of restrictions on area, lot coverage, height, yards or other characteristics of the structure or its location on the lot, such structure may be continued so long as it remains otherwise lawful, subject to the following provisions:

A. No such structure may be enlarged or altered in a way which increases its nonconformity.

B. Should such structure be destroyed by any means to an extent of more than fifty percent of its replacement cost at time of destruction, it shall not be reconstructed except in conformity with the provisions of the Zoning Code.

5. Nonconforming Uses of Structures. If a lawful use of a structure, or of structure and premises in combination, exists at the effective date of adoption or amendment of the Zoning Code, that would not be allowed in the district under the terms of the Zoning Code, the lawful use may be continued so long as it remains otherwise lawful, subject to the following provisions:

A. No existing structure devoted to a use not permitted by the Zoning Code in the district in which it is located shall be enlarged, extended, constructed, reconstructed, moved or structurally altered except in changing the use of the structure to a use permitted in the district in which it is located.

B. Any nonconforming use may be extended throughout any parts of a building which were manifestly arranged or designed for such use at the time of adoption or amendment of the Zoning Code, but no such use shall be extended to occupy any land outside such building.

C. If no structural alterations are made, any nonconforming use of a structure, or structure and premises, may be changed to another nonconforming use provided that the Board of Adjustment, either by general rule or by making findings in the specific case, shall find that the proposed use is equally appropriate or more appropriate to the district than the existing nonconforming use. In permitting such change, the Board of Adjustment may require appropriate conditions and safeguards in accord with the provisions of the Zoning Code.

D. Any structure, or structure and land in combination, in or on which a nonconforming use is superseded by a permitted use, shall thereafter conform to the regulations for the district in which such structure is located, and the nonconforming use may not thereafter be resumed.

E. When a nonconforming use of a structure, or structure and premises in combination, is discontinued or abandoned for six consecutive months or for eighteen months during any three-year period, the structure thereafter shall not be used except in conformance with the regulations of the district in which it is located.

F. Where nonconforming use status applies to a structure and premises in combination, removal or destruction the structure shall eliminate the nonconforming status of the land.

6. Repairs and Maintenance. On any building devoted in whole or in part to any nonconforming use, work may be done in any period of

twelve consecutive months on ordinary repairs, or on repair or replacement of nonbearing walls, fixtures, wiring or plumbing, to an extent not exceeding ten percent of the current replacement value of the building provided that the cubic content of the building as it existed at the time of passage or amendment of the Zoning Code shall not be increased. Nothing in the Zoning Code shall be deemed to prevent the strengthening of 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.

7. Special Uses Deemed Conforming Uses. Any use for which a special exception is permitted as provided in the Zoning Code shall not be deemed a nonconforming use, but shall without further action be deemed a conforming use in such district.

8. Cessation of Nonconforming Uses. Notwithstanding any other provisions of this chapter, it is a prohibited and unlawful use of any land not zoned as A-1 Agricultural or allowed by special exception in land zoned as M-1 Industrial for any owner, tenant or person to keep, tend or maintain any livestock within the corporate limits of the City. All nonconforming uses under this section shall be amortized no later than December 31, 2003.

167.23 SPECIAL USES. The following Special Uses have been defined as follows.

1. Home Occupations.

A. General. Home occupations shall be permitted in all residential zones, provided the home occupation is clearly and obviously subordinate to the dwelling unit for residential purposes. The home occupation shall be conducted wholly within the primary structure or existing accessory building on the premises.

B. Conditions.

(1) The home occupation shall not exceed 25 percent of the floor area of the primary structure and 50 percent of an accessory building on premises.

(2) Other than those related by blood, marriage, or adoption, no more than two persons may be employed in the home occupation.

(3) Inventory and supplies shall not occupy more than 50 percent of the area permitted to be used as home occupation.

(4) There shall be no exterior display or storage of goods on said premises.

(5) There shall be no more than one advertising wall sign displayed on the premises and said wall sign shall not exceed two square feet, the location of which shall be provided by the Zoning Official. The wall sign shall not be illuminated.

(6) Sales and service patrons shall be arranged by appointment and schedule so that not more than two patron vehicles are on the premises at the same time.

(7) No activity shall be permitted which is noxious, offensive, or hazardous by reason of pedestrian or vehicular traffic, or by creation of noise, odor, refuse, heat, vibration, smoke, radiation, or any other objectionable emissions or by interference with televisions or radio reception.

(8) No commodities shall be sold on the premises.

C. Home Occupations Permitted. Permitted home occupations include, but are not limited to, the following list of activities; provided, however, each permitted home occupation shall be subject to the limitations in paragraph B above, and to all other regulations applicable to the district in which it is located.

(1) Facilities used by a physician, surgeon, dentist, lawyer, clergyman, or other professional person, for emergency consultation or treatment, but not for the general practice of their profession.

(2) Professional services such as accounting, computer, architectural, real estate, and other services, provided client contact consists of no more than an average of eight clients per day.

(3) Providing instruction to no more than two students at a time.

(4) Day care or baby-sitting of not more than five non-resident children.

(5) Studio of an artist, photographer, artisan, writer, or composer.

(6) Renting of rooms by a resident owner to no more than three roomers.

(7) Millinery, dressmaking, tailoring, and similar domestic service activities.

(8) Barbershops and beauty parlors.

D. Home Occupations Not Permitted. Home occupations shall not be interpreted to include the following:

(1) Restaurants or taverns.

(2) Automotive equipment, body and repair, and salvage shops.

(3) Commercial stables and kennels.

(4) Hotel or motel.

(5) Taxicab or limousine businesses.

(6) Carpenter or woodworking business.

2. Adult Uses.

A. General. A conditional use permit shall be obtained from the governing body for all adult use businesses.

B. Conditions.

(1) An adult use business shall be permitted in the I-L District only.

(2) No adult use business shall be located within 1,200 feet of a park, day care center, library, or religious or cultural activity.

(3) No adult use business shall be located within 500 feet of any other zoning district boundary line where adult uses are not permitted.

(4) Such distances shall be measured in a straight line without regard to intervening structures, topography, and zoning.

(5) The sign regulations contained in Chapter 168 shall apply.

3. Daycare.

A. Nonresidential Daycare. Nonresidential daycare includes, but is not limited to, child daycare services, adult daycare centers and the following:

(1) Adult daycare, such as adult day health centers or social daycare as defined by the Iowa State Department of Social and Health Services;

- (2) Nursery schools for children under minimum age for education in public schools;
- (3) Privately conducted kindergartens or pre-kindergartens when not a part of a public or parochial school; and
- (4) Programs covering after-school care for school children.

Daycare establishments are sub-classified as follows: Daycare I establishments provide for a maximum of 12 adults or children in any 24-hour period and are permitted in all zones except IL; Daycare II establishments provide for more than 12 adults or children in any 24-hour period and are permitted in R-3 and all C Districts.

B. Residential Group Day Care. A group day care home (less than 12 persons) may be allowed in any residential zone or any zone where a residential use is legally established, provided the operator has obtained a permit from the City for a residential day care facilities as provided for in this section. Criteria which must be met to obtain a Group Day Care Home permit from the City Council are as follows:

- (1) State registration requirements shall have been met and the applicant agrees to meet any requirements of the building, fire and health codes and any other applicable local codes and ordinances.
- (2) Applicant shall agree to register annually with the City for as long as the use is continued. A reasonable administrative fee shall be charged as may be established, from time to time, by resolution of the City Council.
- (3) No structural or decorative alteration that will alter the residential character of an existing structure or be otherwise incompatible with surrounding residences shall be permitted.
- (4) The resident occupant shall be the principal care provider, shall be registered by the State, and shall be present during operating hours. When there are six or fewer children being cared for, the resident occupant need not be present. However, an employee of the resident occupant must be present when there are six or fewer children being cared for and the resident occupant is not present. Both the resident occupant and the employee must be present when there are more than six

children being cared for. Only one employee over the age of 14 shall be permitted. Family members are not considered employees.

(5) Any required outside play area shall be effectively screened from adjacent residential uses.

(6) If located on a major street, and off-street drop off/pickup area must be provided.

(7) One off-street parking space must be provided for a non-resident/non-family member employee when located in a single-family residence district. A residential driveway is acceptable for this purpose.

(8) One unlighted sign, under two square feet in area, and stating only the resident-occupants name and wording "Group Day Care Home" or "Residential Day Care" or "Day Care" shall be allowed.

(9) Any group day care home which has been established and has obtained a State of Iowa Certificate of Registration prior to the effective date of the ordinance codified herein, and in addition, meets all of the foregoing criteria, shall be considered as being a lawful use under the terms of these regulations and may so continue without approval of the City Council.

[The next page is 825]