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Chapters:

Chapter 18.04 TITLE—CODE ADOPTED

Sections:

18.04.010 Short title.

This title shall be known and cited as the Chariton zoning ordinance.

(Ord. 323 § 1, 1969)

18.04.020 Adoption of standard code.

Pursuant to published notice and public hearing, as required by law, notices have been given and a public hearing has been held and the city council has determined that the complete code of comprehensive zoning regulations for the city, prepared by Henningson, Durham, and Richardson of Omaha, Nebraska, and filed with the council March 24, 1969, is appropriate for adoption by reference as authorized by paragraph 7 of Section 366.7 of the 1981 Code of Iowa.

Official copies of the complete code of zoning regulations as adopted including a certificate by the clerk as to its adoption and the effective date are on file in the office of the city clerk.

(Ord. 524 § 2(a), 1982; Ord. 323 § 2, 1969)

Chapter 18.06 GENERAL PROVISIONS

Sections:

18.06.010 Zoning in accordance with plan.

The zoning ordinance codified in this title, as amended from time to time, is and shall be in accordance with the community development plan of the community development plan of the city, which plan shall constitute the comprehensive plan required by Chapter 414, Code of Iowa, 1981.

(Ord. 524 § 1(a), 1982; Ord. 323 § 1100, 1969)

18.06.020 Official zoning map.

The location, size, shape and boundaries of the zones to which the provisions of the text of this title are applicable, shall be indicated on the atlas of maps which is entitled "official zoning map" incorporated herein and by this reference made a part hereof and such maps, after being adopted by reference as a part of this title, and so certified by the city clerk together with the text, shall be maintained by the city clerk and such atlas shall be the official zoning map, for purpose of enforcement of this title. Any amendment to the zoning classifications on official zoning map shall include the legal description of the land involved including appropriate adjacent public rights-of-way on public property and such amendments shall be promptly and permanently noted on the face of the maps in the custody of the city clerk.

(Ord. 323 § 1410, 1969)

18.06.030 Interpretation of map.

The following rules shall govern interpreting the boundaries of zones as portrayed on the official zoning map:

- (1) The boundaries of the zones, except where otherwise referenced, are intended to follow the lines of platted lots, centerlines of streets and alleys, and when lines appear to be not more than ten feet from the line of a platted lot, the boundary shall be interpreted as being coincidental therewith.
- (2) When boundaries cross unplatted property or platted lots otherwise than set forth above, and their distances are not clearly marked, their location shall be determined by use of the scale of the map and every such line shall be interpreted to fall on the nearest multiple of ten feet.
- (3) Boundaries indicated as approximately following city limits shall be construed as following city limits.
- (4) Boundaries indicated as following railroad tracks shall be construed to be midway between the rails of the main tracks.
- (5) Boundaries indicated as following shore lines shall be construed to follow such shore lines, and in the event of change in the shore line shall be construed as moving with the actual shore line; boundaries indicated as approximately following the centerlines of streams, rivers, canals, lakes, reservoirs, flood-control channels or other bodies of water shall be construed to follow such centerlines and shall move with such centerlines in case of shifting.
- (6) In case of doubt or dispute, the boundary lines shall be determined by the board of adjustment upon receiving an appeal from a ruling of the building inspector.

(Ord. 323 § 1430—1436, 1969)

18.06.040 Annexation.

All territory which may hereafter be annexed to the city shall be zoned by the city council of the city as lying and being in the zoning district most appropriate in accordance with the intent and provisions of this ordinance. Such zoning shall be accomplished in accordance with the procedures for amending the zoning map and shall occur concurrently with the annexation of such territory.

(Ord. 524 § 1(c), 1982; Ord. 323 § 1440, 1969)

18.06.050 Zoning lots to be designated.

In order to facilitate the enforcement of this title, the device of zoning lots as defined herein shall be used. A parcel of land shall be designated and suitably recorded by the building inspector as forming the site of each new building or group of buildings, structure or use of land or the site of any building structure or use of land designated for any alteration or modification requiring a building permit or certificate of occupancy. Said parcel shall conform in dimensions and area to the provisions of this title. A zoning lot may or may not coincide with platted lot lines. Each zoning lot shall front on a public street of not less than twenty-five feet in width for a distance of not less than twenty feet or shall have an exclusive, unobstructed, permanent access to such a public street by an unobstructed easement of not less than twenty feet in width and not to exceed one hundred fifty feet in length. The provisions of this section notwithstanding, more than one building may be allowed on a single zoning lot where specifically authorized by the district regulations.

(Ord. 524 § 1(d), (e), 1982; Ord. 323 § 1450, 1969)

18.06.060 Applicability to land and building.

No building, structure or land shall hereafter be used or occupied and no building or structure or part thereof shall hereafter be erected, constructed, reconstructed, moved or structurally altered unless in conformity with all of the regulations herein specified for the district in which it is located.

(Ord. 323 § 1460, 1969)

18.06.070 Applicability—Open space.

- (a) No open space surrounding any building shall be encroached upon or reduced in any manner, except in conformity with the yard, lot area and building location regulations herein designated for the zone in which such building or open space is located. No yard, off-street parking space, off-street loading space or other open space surrounding any building for the purpose of complying with the provision of this title except as otherwise specified herein, shall be considered as providing a yard or open space for any other building, and no yard or other open space on one platted lot shall be considered as the required open space on another platted lot unless the other platted lot is in the same ownership and is declared as a single zoning lot in applying for a building permit for an existing building. The required yard or open space for any use, building or structure shall be contained in the same zone as required for the principal use, its buildings or accessory buildings.
- (b) No lot, yard, off-street loading space, off-street parking space or other open space required for an existing building by the regulations contained herein shall be hereafter reduced in dimension or area below the minimum requirements set forth herein for said building or structure, except to provide for the extension, establishment or widening of a public street or highway.

(Ord. 323 § 1470, 1969)

18.06.080 Interpretation—Priority of contracts.

- (a) It is not the intention of this title to defeat the purposes of any contract, deed restriction or protective covenant when such instrument is not inconsistent with this title or contains stricter requirements. In the event this title conflicts with other ordinances, rules and regulations adopted pursuant to law, or state or federal law, then the more strict provisions shall apply.
- (b) Areas which are included within the boundaries of an urban renewal plan or other area plan which has been officially adopted and approved by the council and a contract with the federal or other government consummated as a consequence thereof, shall not be the subject of any zoning change which will defeat the purposes of such contract.

(Ord. 323 § 1475, 1969)

18.06.090 General interpretation.

Any use that is not specifically permitted in a district as a principal use, an accessory use or a conditional use, is specifically prohibited. In the regulations for some zones, specific excluded uses are enumerated for clarification of intent, but such lists of excluded uses are not to be interpreted as including all excluded areas.

(Ord. 323 § 1480, 1969)

18.06.100 Interpretations—Purpose and conflict.

It is not intended by this title to interfere with or abrogate or annul any rules, regulations or permits previously adopted or issued or which shall be adopted or issued pursuant to law by a building inspector, zoning officer, health department or the council relating to the use of buildings or premises. Where this title imposes a greater restriction upon the use of buildings or premises, or requires larger open spaces than are imposed or required by other ordinances, rules, regulations or permits, the provisions of this title shall govern.

(Ord. 323 § 8200, 1969)

18.06.110 Urban revitalization plan.

- (a) The entire area within the corporate boundaries of the city of Chariton, Iowa, as established and existing between January 1, 1995 and December 31, 1997 is declared to be an urban revitalization area pursuant to Iowa Code Chapter 404.
- (b) The urban revitalization plan for the city of Chariton, Iowa, on file in the office of the city clerk is declared to be the urban revitalization plan for that area of the city of Chariton, Iowa designated in subsection (a) of this section.

(Ord. 690 §§ 1, 2, 1994)

18.06.120 Surveys—Filing with city clerk.

All surveys performed within the city shall be filed with the city clerk. Both the surveyor and the property owner have the responsibility to file the survey; provided, that only one copy of each survey must be filed.

(Ord. 721 § 2, 1997)

Chapter 18.08 PLANNED DEVELOPMENT

Sections:

18.08.010 Nature and purpose.

- (a) Planned development provides an alternative approach to larger scale projects, wherein the developer is permitted to design for aesthetic objectives rather than in strict conformance to zone specifications. It is intended to allow the use of design techniques such as cluster siting of buildings, use of natural drainageways and common open space, and such management and ownership options as condominium, cooperative housing and leasehold. Uses, other than those permitted in the zone in which a development is located, may be allowed under certain conditions as hereinafter set forth.
- (b) Planned developments must be of the minimum sizes as established in the following section, and must be developed and maintained under the same ownership until completed and so certified by the city council.

(Ord. 323 § 1900, 1969)

18.08.020 Minimum area of planned developments.

Any planned development shall be at least one acre in area, and shall be of a size and shape which allows the orderly development of the area.

(Ord. 524 § 3(a), 1982: Ord. 323 § 1901, 1969)

18.08.030 Authorization.

Planned developments may be authorized by the city council, after review and recommendation thereon by the planning and zoning commission. The authorization for a planned development shall be considered a rezoning of the property located within the planned development.

(Ord. 524 § 3(b), 1982: Ord. 323 § 1902, 1969)

18.08.040 Permit—Filing—Application.

- (a) An application for rezoning to planned development shall be filed with the city manager upon forms furnished for the purpose, and shall be accompanied by such plans, exhibits, documents and other information as may be required by the planning and zoning commission or the city council. Said application shall contain at least the following:
 - (1) Names and addresses of the owner, developer and designer;
 - (2) A site design plan, drawn at an appropriate scale, showing existing topography of the site and including the area within two hundred feet of the perimeter, and also showing (on separate drawings, as necessary) the site grading and drainage plan, location and area of all buildings, driveways, walkways, parking spaces, plantings and all other structures;
 - (3) Ownership and management plan (condominium, cooperative, leasehold) and supporting documents demonstrating how single control of use and maintenance will be accomplished;
 - (4) An estimated cost of the project;
 - (5) A proposed development schedule and estimated time for completion and occupancy.
- (b) Upon receipt of an application for rezoning to planned development, the city manager shall, without delay, make copies of said application available to all members of the planning and zoning commission and to the following city officials: city manager, building official, director of public works, water department manager, fire chief and police chief.

(Ord. 524 § 3(c), (d), 1982; Ord. 323 § 1903, 1969)

18.08.050 Review and report of planning and zoning commission.

- (a) The planning and zoning commission shall review and make a recommendation on an application for rezoning to planned development in the same manner as on any other request for amendment of the zoning map. In so doing, the commission shall refer the application to the above-named city officials. Said city officials shall review the application and prepare reports to be rendered to the commission at its meeting to consider the application, either in writing or in person, as follows:
- (b) City attorney, city manager shall report on apparent deficiencies in the proposal within the scope of their respective disciplines or areas of responsibility.
- (c) Water department manager and other department heads—an evaluation of the effect that the proposed development might have on the operation of their respective departments, particularly with respect to capital or operating expenditures which may be required to provide customary and necessary services to such development.
- (d) After receiving the reports of city officials, the planning and zoning commission may recommend, or the applicant offer, amendments to the plan. Any amendments agreed to by both the applicant and the commission shall be in writing and attested to by the applicant. For the purpose of preparing such documents, the meeting may be adjourned to a certain time. Upon finalizing amendments, if any, the commission shall review the application as submitted or as amended, and shall prepare a report thereon, which shall be transmitted forthwith to the applicant and the city council. Said report shall contain the following:
 - (1) A listing of the particulars, if any, in which the development plan fails to meet objectives of the comprehensive zoning plan;

- (2) A summary of the liabilities, economic and other, which would likely be incurred by the city if the proposed development were implemented;
- (3) A listing of the particulars, if any, in which the development fails to meet the criteria for planned developments;
- (4) A summary of benefits to the city which would be likely to result from said development;
- (5) A recommendation for approval, including conditions of approval, if any; or, a recommendation for disapproval.

(Ord. 524 § 1(e), 1982; Ord. 323 § 1904, 1969)

18.08.060 Action of the city council.

The city council shall review and take action upon any application for rezoning to planned development in the same manner as on any other request for amendment of the zoning map, upon receipt of the application and the report of the planning and zoning commission thereon. In approving any planned development, the city council may impose specific limitations, which in its judgment are necessary to carry out the intent of this title and to protect the public health, safety and welfare, which limitations shall be in effect as if wholly set forth herein.

(Ord. 524 § 1(f), 1982; Ord. 323 § 1905, 1969)

18.08.070 Criteria for planned developments.

No planned development shall be authorized by the council unless it shall substantially meet all of the following criteria:

- (1) It shall be so designed, located and proposed to be operated that the public health, safety and welfare will be protected.
- (2) It will not cause substantial injury to other property in the vicinity.
- (3) It will not be a social, environmental or economic liability to the community.
- (4) In residential zones, the density of development shall not be increased nor the dwelling standards reduced from the standards established by the district regulations.
- (5) Where uses are proposed which are not listed as permitted uses in the district regulations, such uses shall be necessary, desirable and appropriate with respect to the primary purpose of development. Such exceptional uses shall not occupy more than twenty percent of the ground area of the development, and shall be of such nature and so located as to preserve the character of the district.
- (6) No use shall be allowed within a planned development which is specifically prohibited by regulations of the district in which the development is located.
- (7) The applicant shall have provided bond to insure to the city that all improvements shown on the plans shall be completed within a two-year period of time.
- (8) Adequate deed restrictions and covenants have been provided to insure to the city the proper maintenance, care and preservation of the exterior design, all common structure, facilities, sewer and water utilities, pedestrian and vehicular access and open spaces by the original and all subsequent owners of the property.

- (9) Provision has been made for the free and uninhibited access to all private or common areas by the fire, police and other public safety vehicles and personnel for the customary performance of their respective duties and responsibilities.
- (10) If there be within the development any public facilities (streets, sewer or water mains, etc.) intended or required to be dedicated to the city, the city council shall have, by resolution, accepted such dedication.

(Ord. 323 § 1906, 1969)

18.08.080 Partial developments, additions and redevelopments.

If an applicant may wish to develop a portion of a planned development at one time, leaving the balance of the area open for future additions, he may do so by submitting a plan for the whole tract desired to be the planned development and indicating thereon the portion to be developed and showing the interim use to which the undeveloped portion will be put. However, no additions, modification or change of use not provided for in the original plan will be authorized until an amended or supplemental application has been filed and approved in the same manner and subject to the same criteria as the original development plan. Any portion not developed shall be resubmitted to the planning and zoning commission for their review within five years.

(Ord. 524 § 3(s), 1982; Ord. 323 § 1907, 1969)

18.08.090 District limitations to apply.

Upon the rezoning of a parcel or parcels of property to planned development, the limitations of the zone from which rezoning to planned development is authorized shall continue to be in effect except as expressly modified herein. The city council may, at the time of rezoning to planned development, specify a different zoning district, which district's limitations shall apply in lieu of the district rezoned from. Such change in district shall be considered a rezoning and a part of the rezoning to planned development, and shall be expressly set forth in the amending ordinance.

(Ord. 524 § 3(h), 1982; Ord. 323 § 1908, 1969)

18.08.100 Modifications—Modified plan approval or rezone required.

The owner of property rezoned to planned development, and his heirs, successors and assigns shall be obligated to develop the planned development in accordance with this ordinance, and with the application and plan for development as approved, as if the application and plan were fully set forth herein. In the event that the owner of property located within an area zoned planned development wishes to develop the property in a manner other than as approved, such development may occur only upon the approval by the city council of a modified plan, or upon the rezoning of the property to a district designation other than planned development, in which event, the limitations of said district shall apply.

(Ord. 524 § 3(i), 1982; Ord. 323 § 1909, 1969)

18.08.110 Approvals valid for five years.

In the event that development of a planned development is not complete within five years of the approval of the planned development, the approval of the plan shall expire and the plan shall be again submitted to the city in accordance with this title. No further development of the planned development shall be permitted until said resubmitted plan or substitute plan has been approved in accordance with the provisions of this title.

(Ord. 524 § 3(j), 1982: Ord. 323 § 1910, 1969)

18.08.120 Planned developments to be shown on zoning map.

Upon the rezoning of a parcel or parcels of land to planned development the rezoning to planned development shall be shown on the zoning map, along with the notation of the zoning district, the limitations of which also apply in accordance with Section 18.08.090.

(Ord. 524 § 3(k), 1982: Ord. 323 § 1911, 1969)

18.08.130 Site plans required for certain uses.

Notwithstanding any other provision of this title, site plan approval shall be required for certain uses in certain zones, as hereinafter set forth.

(Ord. 524 § 4(a (part)), 1982: Ord. 323 § 1950, 1969)

18.08.140 Residential uses.

Whenever any multifamily dwelling or any single-family attached dwelling will contain four or more dwelling units, and whenever two or more multifamily or single-family attached dwellings will contain, in the aggregate, four or more dwelling units, site plan approval shall be required.

(Ord. 524 § 4(a (part)), 1982: Ord. 323 § 1951, 1969)

18.08.150 Commercial and industrial uses.

Whenever a commercial use or industrial use will be located in the BGH zone the HSB zone, the ML zone or the MH zone, site plan approval shall be required.

(Ord. 524 § 4(a (part)), 1982: Ord. 323 § 1952, 1969)

18.08.160 Application for site plan approval.

Whenever any site plan approval is required by this title, an application, signed by the owner(s) of the property or the owner's authorized representative shall be required. Such application shall be on forms furnished for the purpose and shall be accompanied by such plans, exhibits and other information as is necessary to fully determine the intent of the applicant. Said application shall contain at least the following:

- (1) The names and addresses of the owner, the developer and the architect and engineer for the project;
- (2) A site design plan, drawn at an appropriate scale which shows generally the existing and proposed topography and drainage, and which shows the location and area of all buildings, driveways, walkways, parking spaces, plantings, fences, walls and all other structures. Said plan shall also show the location of connection to the water system, sanitary sewer system and storm sewer system, if applicable;
- (3) A statement disclosing the plan for ownership and/or management of the property so as to fully determine maintenance responsibility for any public or common areas;
- (4) A proposed development schedule and estimated time for completion and occupancy.

(Ord. 524 § 4(a (part)), 1982: Ord. 323 § 1960, 1969)

18.08.170 Site plan review—Action by the city manager.

Upon receipt of an application for site plan approval, the city manager shall review the application in order to determine, that the development as proposed fully meets the requirements of this title. In so doing, the city manager may refer the application and accompanying documents to the city attorney, the water department manager, the community development director or such other persons as the city manager deems necessary.

(Ord. 524 § 4(a (part)), 1982: Ord. 323 § 1970, 1969)

18.08.180 Referral to the planning and zoning commission optional.

The city manager may, prior to the issuance of site plan approval, refer the site plan and accompanying documents to the planning and zoning commission for its review and recommendation.

(Ord. 524 § 4(a (part)), 1982: Ord. 323 § 1971, 1969)

18.08.190 Plan approval—Action by the city manager.

After reviewing the site plan and accompanying documents, the city manager shall, within thirty days of the receipt of the application, approve, approve with conditions or disapprove the site plan. If the application is approved with conditions, the specific conditions shall be set forth in writing, along with the basis therefor. If the application is disapproved, the disapproval shall be set forth in writing along with the basis therefor. Notice of the action by the city manager shall be provided to the applicant in writing.

(Ord. 524 § 4(a (part)), 1982: Ord. 323 § 1980, 1969)

Chapter 18.10 DEFINITIONS

Sections:

18.10.010 Generally.

For the purpose of this title, certain words and terms used herein shall be defined and interpreted as follows: All words used in the present tense include the future tense. 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 indicated otherwise. The word "shall" is mandatory and not directory. The word "used" shall be deemed to include "designed, intended or arranged to be used."

(Ord. 323 § 1600, 1969)

18.10.020 Alley.

"Alley" means a minor way, dedicated to public use, which is used primarily for vehicular access to the back or side of properties otherwise abutting on a street.

(Ord. 323 § 1601, 1969)

18.10.030 Apartment hotel.

"Apartment hotel" means an apartment house which furnishes services for the use of its tenants which are ordinarily furnished by hotels, but the privilege of which are not primarily available to the public.

(Ord. 323 § 1602, 1969)

18.10.040 Auto wrecking.

"Auto wrecking" means the collecting, burning out, dismantling or wrecking of used motor vehicles, wheeled or track-laying equipment, or trailers, or the storage, sale or dumping of dismantled, partially dismantled, obsolete or wrecked motor vehicles, wheeled or track-laying equipment, or trailers or their parts. The dismantling and rebuilding other than custom repair, of more than one motor vehicle, piece of wheeled or track-laying equipment, or trailer at a time even though not for profit or a principal use of a parcel of land shall be defined as auto wrecking. The storage of a partially dismantled motor vehicle, piece of wheeled or track-laying equipment or trailer shall be considered auto wrecking.

(Ord. 323 § 1603, 1969)

18.10.050 Billboard.

"Billboard" means any structure or portion thereof, situated on private premises, on which lettered, figured or pictorial matter is displayed for advertising purposes, except the name and occupation of the user of the premises, the nature of the business conducted on the premises and having an area of one hundred square feet or more shall be considered a billboard. This definition shall not include any board, sign or surface used to display any official notices issued by a court or public duty, or bulletin boards used to display announcement of meetings to be held on the premises on which such bulletin boards are located, nor shall it include a real estate sign advertising for sale or rent the property upon which it stands when such sign does not exceed one hundred square feet.

(Ord. 323 § 1604, 1969)

18.10.060 Block.

"Block" means a piece or parcel of land entirely surrounded by public highways, streets, streams, railroad rights-of-way, parks or a combination thereof. There may be more than one numbered block as shown on a plat, falling within a single block as herein defined.

(Ord. 323 § 1605, 1969)

18.10.070 Board.

"Board" means the board of adjustment of the city of Chariton, Iowa.

(Ord. 323 § 1606, 1969)

18.10.080 Building.

"Building" means any structure having a roof or partial roof supported by columns, posts or walls for the enclosure of persons, animals, equipment or chattels of any kind. A residential building within the meaning of this title shall include a building enclosed by a continuous wall, regardless of the existence of platted lot lines through the area occupied by such building. A commercial or industrial structure may, within the meaning of this title, consist of separate buildings where party walls or ownership lines exist in such a manner as to indicate the intent that they be separate buildings. A tent shall be defined as a building for the purposes of this title.

(Ord. 323 § 1607, 1969)

18.10.090 Building, accessory.

"Accessory building" means any structure erected or constructed including buildings as herein defined, the use of which requires location on the ground or attachment to something located on the ground and which is incidental and customarily appurtenant to a principal use permitted on the zoning lot, but not including: (a) fences and walls of less than six feet in height, (b) bank protection structures regardless of height provided they do not project more than one foot above the surface of the ground on high side, or (c) any unit which was designed for primary use as a conveyance upon a public street or highway, whether or not subject to being licensed.

(Ord. 588 § 2, 1988; 323 § 1608, 1969)

18.10.100 Building height.

"Building height" means the distance measured from the mean elevation of the grade at the front face of the building to the highest point on the roof or parapet of said building.

(Ord. 323 § 1609, 1969)

18.10.110 Building inspector.

"Building inspector" means the official appointed by the administration or the city council of the city and charged with the responsibility of enforcing this title.

(Ord. 323 § 1610, 1969)

18.10.120 Building, principal.

"Principal building" means a building in which is conducted the primary use of the site on which it is situated. In any residential district, any dwelling shall be deemed to be the principal building of the site on which it is located.

(Ord. 323 § 1611, 1969)

18.10.130 Certificate of occupancy.

"Certificate of occupancy" means a permit issued by the building inspector indicating that the use of the building or land in question is in conformity with this title or that there has been a legal variance therefrom as provided by this title.

(Ord. 323 § 1612, 1969)

18.10.140 Clinic, medical.

"Medical clinic" means a building or portion of a building containing the offices and associated facilities of one or more practitioners providing medical, dental, psychiatric, osteopathic, chiropractic, physical therapy or similar services for out-patients only, with or without shared or common spaces and equipment. A common area pharmacy or drug dispensary available to persons other than patients being treated therein or making charges separate from bills for professional services of said practitioners shall not be considered as a medical clinic use.

(Ord. 323 § 1613, 1969)

18.10.150 Club.

"Club" includes clubhouse and means a voluntary association of persons organized for cultural, recreational, fraternal, civic, charitable or similar purpose, but shall not include an organization or premises the chief activity of which is a service or activity customarily carried on as a business even though it may be chartered and named for purposes herein defining a club.

(Ord. 323 § 1614, 1969)

18.10.160 Commission.

"Commission" means the planning and zoning commission of the city of Chariton, Iowa.

(Ord. 323 § 1615, 1969)

18.10.170 Conditional use.

"Conditional use" means a use which is not allowed in the zone as a matter of right, but which is permitted upon findings of the board that under the particular circumstances present such use is in harmony with the principal permitted uses of the zone. Allowable conditional uses are specifically listed under the district regulations. Uses not so listed, shall not be allowed as conditional uses.

(Ord. 323 § 1616, 1969)

18.10.180 Council.

"Council" means the city council of the city of Chariton, Iowa.

(Ord. 323 § 1617, 1969)

18.10.190 Country club.

"Country club" means, for the purposes of this title, golf course, par-3 golf course, swimming pools, tennis clubs and neighborhood clubhouses any and each of which shall be located on a site of not less than one acre and open only to membership subscribing for the use of all facilities for a term of not less than one year and members' non-paying guests. Sleeping facilities other than quarters for one caretaker or manager and his family shall be prohibited. Clubs operated as restaurants, cocktail lounges, cardrooms, beer taverns, bowling alleys, pool and billiard parlors and similar activities normally carried on as a business shall be excluded from the definition of a country club. Nothing herein shall be construed to limit the method of operation of such facilities enumerated in this definition when owned or operated by a governmental agency.

(Ord. 323 § 1618, 1969)

18.10.200 Drive-in.

"Drive-in" means as follows: it may be used as a noun or adjective and shall refer to a business which is designated to serve patrons while they are reposed in vehicles or by means of service windows with the intent that products be consumed in automobiles. This shall not be construed to include places for making deposits from automobiles such as drive-in bank windows, post office drop boxes or laundry or cleaning drop boxes.

(Ord. 323 § 1619, 1969)

18.10.210 Dwelling.

"Dwelling" means a building or portion thereof, designed or used exclusively for residential occupancy, including single-family dwellings, two-family dwellings, multifamily dwellings and group dwellings; provided, however, that the following are not dwellings:

- (1) Hotels, motels, tourist courts and cabins;
- (2) In a building that contains one or more dwelling units or lodging rooms in addition to one or more nonresidential uses, the portion of such building that is devoted to such nonresidential uses, except when accessory to the residential uses;
- (3) Used for the institutional care of people such as hospitals, rest homes, orphanages and homes for the aged.

Each dwelling (other than a mobile dwelling under Section 18.10.250 or a dwelling located in a mobile home park) shall have a minimum width of twenty-four feet on its shortest side.

(Ord. 698 § 2(a), 1995; Ord. 323 § 1620, 1969)

18.10.220 Dwelling, attached (row).

"Attached (row) dwelling" means a multifamily dwelling in which each dwelling unit has a separate outdoor entrance and is either:

- (1) Joined to one other dwelling unit at one side by one party wall; or
- (2) Joined to two other dwelling units by one party wall on each side.

(Ord. 323 § 1621, 1969)

18.10.230 Dwelling, detached.

"Detached dwelling" means a dwelling that is completely surrounded by open space on the same lot.

(Ord. 323 § 1622, 1969)

18.10.240 Dwelling, group.

"Group dwelling" means a structure other than a hotel or motel inhabited by more or less permanent occupants in excess of four, living independently in quarters other than dwelling units.

(Ord. 323 § 1628, 1969)

18.10.250 Dwelling, mobile.

"Mobile dwelling" means a vehicle used or so constructed as to permit its being used as a conveyance upon a public street or highway and duly licensable as such, and shall include self-propelled vehicles so designed, constructed, reconstructed or added to by any means, in such a manner as will permit the occupancy thereof as a dwelling or sleeping place of one or more persons and supported by shells, jacks or similar supports. Transportable dwellings not meeting building code requirements for dwellings shall be treated as mobile dwellings.

(Ord. 323 § 1627, 1969)

18.10.260 Dwelling, multifamily.

"Multifamily dwelling" means a building or portion thereof containing three or more dwelling units.

(Ord. 323 § 1623, 1969)

18.10.270 Dwelling, single-family.

"Single-family dwelling" means a building containing one dwelling unit only.

(Ord. 323 § 1624, 1969)

18.10.280 Dwelling, two-family.

"Two-family dwelling" means a building containing two dwelling units only.

(Ord. 323 § 1625, 1969)

18.10.290 Dwelling unit.

"Dwelling unit" means one or more rooms that are (a) located in a dwelling and that are (b) arranged, designed or used as living quarters for one family only. Each dwelling unit contains one, and only one, complete set of kitchen facilities, permanently installed. Solely for the purpose of determining compliance with lot area per dwelling unit requirements, each lodging room in a group dwelling shall be considered as one-half a dwelling unit. No lodging room in a group dwelling shall be included as part of a dwelling unit.

(Ord. 323 § 1626, 1969)

18.10.300 Factory-built (modular) homes.

"Modular home" means a factory-built structure built on a permanent chassis which is manufactured to be used as a place of human habitation, is constructed to comply with the Iowa State Building Code for modular factory-built structures, and must display the seal issued by the State Building Code Commissioner. A modular home may be placed on a parcel or lot if its placement as to yards, setback, dimensional and minimum square footage meets the criteria that would apply to a site-built dwelling on the same parcel or lot. If a modular home is placed in a mobile home park, the home is subject to the annual tax as required by Iowa Code Section 435.22. If a modular home is placed outside a mobile home park, the home shall be considered real property and is to be assessed and taxed as real estate.

(Ord. 698 § 2(b), 1995; Ord. 544 § 1 (part), 1984; Ord. 323 § 1630, 1969)

18.10.310 Family.

"Family" means one or more persons related by blood, marriage or adoption living together in one dwelling unit and maintaining a common household, including domestic servants, gratuitous guests, boarders, roomers or lodgers, but not to exceed ten persons when all are not related by blood, marriage or adoption.

(Ord. 323 § 1629, 1969)

18.10.320 Flammable liquid.

"Flammable liquid" means any liquid which gives off flammable vapors, as determined by the flash point from an open cup tester as used for test burning oils, at or below a temperature of eighty degrees Fahrenheit.

(Ord. 323 § 1631, 1969)

18.10.330 Floor area.

"Floor area" means the floor area of a building as used in calculating the gross floor area ratio or as otherwise used in this title, shall include all areas having headroom of seven feet or more, including basement areas where they are used as a dwelling unit for sleeping accommodations, or other family eating or living purposes, but not including basement floor areas used for utility and storage purposes. Floor area for business and industrial buildings shall include all usable floor space above grade and that portion of basements used for the conduct of business or industry, but not including utility areas of said basements. Measurements shall be made at the outside of outside walls. An area may be surfaced with natural earth and still be considered a floor.

(Ord. 323 § 1632, 1969)

18.10.340 Garage, private.

"Private garage" means an attached or detached accessory building for the storage of private passenger vehicles or recreational equipment with a capacity of not more than three single stalls per dwelling unit and where no repair facilities are maintained.

(Ord. 323 § 1633, 1969)

18.10.350 Golf course.

"Golf course" means, as used in this chapter, standard-sized layouts of at least nine holes and shall not include miniature golf courses, par-3 golf courses, pitch and putt courses or driving ranges.

(Ord. 323 § 1634, 1969)

18.10.360 Grade.

"Grade" means the mean elevation of the ground, measured along the wall of a building, or a lot line, or the top of a street curb or official grade of a street curb not yet constructed, or an official grade of an alley surface, as appropriate to the context in which the term is used.

(Ord. 323 § 1635, 1969)

18.10.370 Gross floor area ratio (GFAR).

"Gross floor area ratio (GFAR)" means the floor area of a building divided by the area of the zoning lot as defined herein. (For example, a building one story high covering an entire lot would have a GFAR of 1.0 whereas a building two stories high covering an entire lot would have a GFAR of 2.0 while a one story high covering half a lot would have a GFAR of 0.5). Both principal and accessory buildings shall be considered in calculating gross floor area.

(Ord. 323 § 1636, 1969)

18.10.380 Ground coverage.

"Ground coverage" means the area of a zoning lot occupied by all buildings expressed as a percentage of the gross area of the zoning lot.

(Ord. 323 § 1637, 1969)

18.10.390 Height, building.

See "building height."

(Ord. 323 § 1638, 1969)

18.10.400 Home occupation.

- (a) "Home occupation" means a business, occupation or profession carried on within a residential dwelling, primarily by a resident thereof and which shall have the following characteristics:
- (1) There shall be no external evidence of the occupation with the exception of one unlighted name plate of not more than two square feet in area attached flat against the building. Advertising displays and advertising devices displayed through a window of the building shall not be permitted.
 - (2) There shall be no emission of smoke, dust, odor, fumes, glare, noise, vibration, electrical or electronic disturbance detectable at the zoning lot line.
 - (3) The activity may employ no more than one person not a member of the immediate family of the resident of the dwelling.
 - (4) There shall not be a stock of goods on the premises in excess of thirty cubic feet in volume, none of which shall be of a flammable nature.
 - (5) Said home occupation shall not involve continual visits by the general public except that music lessons may be given to four pupils at a time; dance and art lessons may be given to four pupils at a time; a dressmaker may have two customers at a time; a beauty operator or barber may have two customers at a time and a professional person may have one client or patient at a time.
 - (6) The above-listed characteristics of a home occupation shall not be construed to restrict the sale of garden produce on the premises, provided this exception shall not extend to allow the operation of a commercial greenhouse or nursery, or the existence of stands or booths for the display of produce grown on the premises.
 - (7) Said occupation may include the caring of not more than eight children at one time for hire.
 - (8) Said occupation may include the letting of rooms or board for hire, but not for more than two persons.
- (b) Any business, occupation or profession, the operation of which does not meet the aforesaid characteristics, shall not be interpreted to be a home occupation despite the fact that it may attempt to operate in a residential building.

(Ord. 524 § 1(f), 1982; Ord. 323 § 1639, 1969)

18.10.410 Junk or salvage yard.

"Junk or salvage yard" means a place where waste, discarded or salvaged metals, building materials, paper, textiles, used plumbing fixtures and other used materials are bought, sold, exchanged, stored, baled or cleaned; and places or yards for the storage of salvaged metal, materials and equipment: but not including pawn shops and establishments for the sale, purchase or storage of used cars or trucks in operable condition, boats or trailers in operable condition, salvaged machinery in operable condition, and used furniture and household equipment in usable condition and not including the processing of used, discarded or salvaged materials as part of manufacturing operations.

(Ord. 323 § 1641, 1969)

18.10.420 Lot.

"Lot" means a zoning lot unless the context shall clearly indicate a lot of record, in which such case a "lot" is a lot of record.

(Ord. 323 § 1642, 1969)

18.10.430 Lot, corner.

"Corner lot" means a zoning lot situated at the intersection of two streets, or bounded on two or more adjacent sides, by street right-of-way lines or in the case of curbed right-of-way lines, the extension of tangents at the side lot lines, does not exceed one hundred thirty-five degrees.

(Ord. 323 § 1644, 1969)

18.10.440 Lot, interior.

"Interior lot" means a zoning lot other than a corner lot.

(Ord. 323 § 1645, 1969)

18.10.450 Lot line.

"Lot line" means a boundary of a zoning lot. "Lot line" is synonymous with property line.

(Ord. 323 § 1646, 1969)

18.10.460 Lot of record.

"Lot of record" means land designated as a separate and distinct parcel in a subdivision, the plat of which has been recorded in the office of the county recorder of Lucas County, Iowa or a parcel of land, the deed to which was recorded in the office of said recorder prior to the adoption of the ordinance codified in this title.

(Ord. 323 § 1643, 1969)

18.10.470 Lot, reverse corner.

"Reverse corner lot" means a corner zoning lot, the side street line of which is substantially a continuation of the front lot line of the zoning lot to its rear.

(Ord. 323 § 1649, 1969)

18.10.480 Lot, through.

"Through lot" means a zoning lot having frontage on two parallel, approximately parallel diverging, or converging streets, but not including a corner lot as defined herein.

(Ord. 323 § 1648, 1969)

18.10.490 Lot width.

"Lot width" means the distance between side lot lines measured at the rear of the required front yard on a line parallel with a line tangent to the street right-of-way line.

(Ord. 323 § 1647, 1969)

18.10.500 Lot, zoning.

See "zoning lot."

(Ord. 323 § 1650, 1969)

18.10.505 Manufactured home.

"Manufactured home" means a factory-built structure built under authority of 42 U.S.C. § 5403, required by federal law to display a seal from the United States Department of Housing and Urban Development, and constructed on or after June 15, 1976. A manufactured home may be placed on a parcel or lot if its placement as to yards, setback, dimensional and minimum square footage meets the criteria that would apply to a site-built dwelling on the same parcel or lot. The manufactured home must include a permanent foundation; provided, that the permanent foundation need not be a perimeter foundation system, but may be a pier footing foundation system designed and constructed to be compatible with the structure and conditions of the site, as long as the foundation is visually compatible with the permanent foundation systems in surrounding residential structures. If a manufactured home is placed in a mobile home park, the home must be titled and is subject to the mobile home square foot tax. If a manufactured home is placed outside a mobile home park, the home is to be assessed and taxed as real estate.

(Ord. 698 § 2(c), 1995)

18.10.510 Minor repair, automobile.

"Minor automobile repair" means the replacement of minor assemblies or parts and tune-up of automobiles, or trucks of less than fifteen thousand pounds gross license weight, but not including body and fender work, painting, engine overhaul or similar types of work.

(Ord. 323 § 1651, 1969)

18.10.520 Mobile home.

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

(Ord. 698 § 2(d), 1995; Ord. 544 § 1 (part), 1984; Ord. 323 § 1652, 1969)

18.10.530 Mobile home park.

"Mobile home park" means a site, lot, field or tract of land upon which three or more mobile homes, manufactured homes, or factory-built (modular) homes, or a combination of any of these homes are placed on developed spaces and operated as a for-profit enterprise with water, sewer or septic, and electrical services available. The term "mobile home park" shall not be construed to include mobile homes, buildings, tents or other structures temporarily maintained by an individual, educational institution or company on their own premises and used exclusively to house their own labor or students. A mobile home park must be classified as to whether it is a residential mobile home park or a recreational mobile home park or both.

(Ord. 698 § 2(e), 1995; Ord. 323 § 1653, 1969)

18.10.540 Modifying zone.

"Modifying zone" means a zone which is dependent upon a primary zone and which is designed to add to the primary zone a specific restriction or liberalization to meet specific locational needs which if accomplished by an additional series of primary zones would make this title unnecessarily lengthy and complicated.

(Ord. 323 § 1655, 1969)

18.10.550 Motel.

"Motel" means a group of attached or detached living units with individual toilet facilities operated for transient guests and so constructed that guests' automobiles may be parked at or near the living unit.

(Ord. 323 § 1654, 1969)

18.10.560 Nonconforming building.

"Nonconforming building" means a building or structure or portion thereof, lawfully existing at the time the ordinance codified in this title or an amendment thereto becomes effective, which does not meet the bulk, height, yard, parking, loading or other requirements of this title, or any amendment thereto.

(Ord. 323 § 1656, 1969)

18.10.570 Nonconforming use.

"Nonconforming use" means a use which lawfully occupies a building or land at the time the ordinance codified in this title or an amendment thereto becomes effective but does not meet the requirements of this title or any amendment thereto.

(Ord. 323 § 1657, 1969)

18.10.580 Par-3 golf course.

"Par-3 golf course" means a golf course other than a miniature golf course or other than a golf course defined herein, and having greens similar to a golf course and fairways of not less than fifty yards in length. A par-3 golf course may not be lighted unless so specified as permitted in the text of this title.

(Ord. 323 § 1658, 1969)

18.10.590 Primary zone.

"Primary zone" means a zoning classification which can stand alone as a classification of a parcel of property.

(Ord. 323 § 1659, 1969)

18.10.600 Principal permitted use.

"Principal permitted use" means that use of a zoning lot which is among the uses allowed as a matter of right under the zoning classification.

(Ord. 323 § 1660, 1969)

18.10.610 Roominghouse.

"Roominghouse" means a dwelling containing one or more lodging rooms that accommodate one or more persons who are not members of the keeper's family; provided, however, that the letting of rooms for hire, to the extent permitted by this title as a home occupation, shall not in itself cause a dwelling to be a roominghouse. In a roominghouse, lodging or meals are provided for compensation on a weekly or monthly basis. "Roominghouse" includes "boardinghouse."

(Ord. 323 § 1661, 1969)

18.10.615 Storage unit.

"Storage unit" means any structure or area arranged, designed or used for commercial storage. No storage unit shall be allowed to store any items which are otherwise prohibited in zones where storage units may be placed.

(Ord. 772 § 2(a), 2000)

18.10.620 Street.

"Street" means the entire width between property line of a way or place dedicated or acquired for the purpose of public use for vehicular traffic or access other than an alley. Where a way or place exists by virtue of consent, agreement or an established public right, then for the purposes of this title the way or place shall be considered to be sixty feet in width falling half on each side of the centerline of the traveled way. Where the dimensions set out in a consent agreement exceed sixty feet, then the larger dimension shall govern.

(Ord. 323 § 1662, 1969)

18.10.630 Structural alterations.

"Structural alterations means any change in the structural members of a building, such as walls, columns, beams or girders. Vehicles duly licensed for operation upon public streets or highways shall not be considered structures.

(Ord. 323 § 1664, 1969)

18.10.640 Structure.

"Structure" means anything constructed or erected with a fixed location on the ground or attached or resting on something having a fixed location on the ground. Moreover, the following shall always be considered structures: buildings, walls, fences, signs and billboards.

(Ord. 323 § 1663, 1969)

18.10.650 Use.

"Use" means the purpose or purposes for which land or a building is designed, arranged or intended, or to which said land or building is occupied, maintained or leased.

(Ord. 323 § 1665, 1969)

18.10.660 Use, accessory.

"Accessory use" means a use customarily incident to a principal permitted use or building and located on the same zoning lot with such principal use or building.

(Ord. 323 § 1666, 1969)

18.10.670 Use, specifically excluded.

"Specifically excluded use" means a use of land or a structure which is excluded from a zone by the operation of other regulations of the zone, but which is specifically enumerated as excluded for purposes of clarity of intent and ease of reference.

(Ord. 323 § 1667, 1969)

18.10.680 Yard, front.

"Front yard" means an open space extending the full width of the zoning lot, between the main building and the front line, unobstructed by buildings or structures in excess of thirty inches in height except as provided herein, the depth of which shall be measured as the least distance between the front lot line and the front of such main building.

(Ord. 323 § 1668, 1969)

18.10.690 Yard, rear.

"Rear yard" means an open space extending the full width of the zoning lot, between the main building and the rear lot line, unoccupied and unobstructed by buildings or structures in excess of thirty inches in height except as provided herein, the depth of which shall be measured the least distance between the rear lot line and the rear of such main building.

(Ord. 323 § 1669, 1969)

18.10.700 Yard, side.

"Side yard" means an open space extending from the front yard to the rear yard, between the main building and the side lot line, unoccupied and unobstructed by buildings or structures in excess of thirty inches in height, except as provided herein, the depth of which shall be measured as the least distance between the side lot line and the side of such main building.

(Ord. 323 § 1670, 1969)

18.10.710 Zoning, lot.

"Lot zoning" means a single tract of land, located within a single block, which at the time of filing for a building permit or a certificate of occupancy, is designated by the owner or developer as a tract to be used, developed or built upon as a unit, under single or unified ownership or control, and assigned to the particular use, building, group of buildings or structure, for which the building permit or the certificate of occupancy are issued and including such area of land as may be required by the provisions of this title for such use, building or structure.

(Ord. 524 § 1(h), 1982: Ord. 323 § 1671, 1969)

Chapter 18.12 AIRPORT ZONES AND AIRSPACE HEIGHT LIMITATIONS

Sections:

18.12.010 Short title.

The ordinance codified in this chapter shall be known and may be cited as "The Chariton Municipal Airport Height Zoning Ordinance."

(Ord. 474 § 1, 1978)

18.12.020 Definitions.

As used in this chapter, unless the context otherwise requires, the following definitions shall apply:

- (1) "Airport" means the Chariton Municipal Airport.
- (2) "Airport elevation" means the highest point of an airport's usable landing area measured in feet above mean sea level, which elevation is established to be one thousand fifty feet.
- (3) "Airport hazard" means any structure or tree or use of land which would exceed the Federal obstruction standards as contained in fourteen Code of Federal Regulations seventy-seven point twenty-one (77.21), seventy-seven point twenty-three (77.23) and seventy-seven point twenty-five (77.25) as revised March 4, 1972, and which obstruct the airspace required for the flight of aircraft and landing or takeoff at an airport or is otherwise hazardous to such landing or taking off of aircraft.
- (4) "Airport primary surface" means a surface longitudinally centered on a runway. When the runway has a specially prepared hard surface, the primary surface extends two hundred feet beyond each end of the runway. The width of the primary surface of a runway will be that width prescribed in Part 77 of the Federal Aviation Regulations (FAR) for the most precise approach existing or planned for either end of that runway. The elevation of any point on the primary surface is the same as the elevation of the nearest point on the runway centerline.
- (5) "Airspace height." For the purpose of determining the height limits in all zones set forth in this chapter and shown on the zoning map, the datum means sea level elevation unless otherwise specified.
- (6) "Control zone" means airspace extending upward from the surface of the earth which may include one or more airports and is normally a circular area of five statute miles in radius, with extensions where necessary to include instrument approach and departure paths.
- (7) "Instrument runway" means a runway having an existing instrument approach procedure utilizing air navigation equipment, for which an instrument approach procedure has been approved or planned.
- (8) "Minimum descent altitude" means the lowest altitude, expressed in feet above mean sea level, to which descent is authorized on final approach or during circle-to-land maneuvering in execution of a standard instrument approach procedure, where no electronic glide slope is provided.
- (9) "Minimum enroute altitude" means the altitude in effect between radio fixes which assures acceptable navigational signal coverage and meets obstruction clearance requirements between those fixes.
- (10) "Minimum obstruction clearance altitude" means the specified altitude in effect between radio fixes on VOR airways, off-airway routes, or route segments and which assures acceptable navigational signal coverage only within twenty-two miles of a VOR.

- (11) "Runway" means a defined area on an airport prepared for landing and takeoff of aircraft along its length.
- (12) "Visual runway" means a runway intended solely for the operation of aircraft using visual approach procedures with no straight-in instrument approach procedure and no instrument designation indicated on an FAA approved airport layout plan, a military services approved military airport layout plan, or by planning documents submitted to the FAA by competent authority.

(Ord. 474 § 2, 1978)

18.12.030 Designated.

In order to carry out the provisions of this section, there are hereby created and established certain zones which are depicted on the Chariton Municipal Airport height zoning map. A structure located in more than one zone of the following zones is considered to be only in the zone with the more restrictive height limitation. The various airport height zones are established and defined as follows:

- (1) Horizontal Zone. The horizontal zone is land lying under a horizontal plane one hundred fifty feet above the established airport elevation, the perimeter of which is constructed by swinging arcs of five thousand feet radii from the center of each end of the primary surface of runways 17, 35, 10 and 28, and connecting the adjacent arcs by lines tangent to those arcs.

No structure shall exceed one hundred fifty feet above the established airport elevation in the horizontal zone, as depicted on the Chariton Municipal Airport height zoning map.

- (2) Conical Zone. The conical zone is land lying under a surface extending outward and upward from the periphery of the horizontal surface at a slope of 20 to 1 for a horizontal distance of four thousand feet. No structure shall penetrate the conical surface in the conical zone, as depicted on the Chariton Municipal Airport height zoning map.
- (3) Approach Zone. The approach zone is land lying under a surface longitudinally centered on the extended runway centerline and extending outward and upward from each end of the primary surface.
 - (A) The inner edge of the approach surface is:
 - (i) Two hundred feet wide for Runway(s) 10 and 28;
 - (ii) Five hundred feet wide for Runway(s) 17 and 35.
 - (B) The outer edge of the approach zone is:
 - (i) One thousand two hundred fifty feet for Runway(s) 10 and 28;
 - (ii) One thousand five hundred feet for Runway(s) 35;
 - (iii) Two thousand feet for Runway(s) 17.
 - (C) The approach zone extends for a horizontal distance of five thousand feet at a slope of 20 to 1 for Runway(s) 17, 35, 10 and 28.

No structure shall exceed the approach surface to any runway, as depicted on the Chariton Municipal Airport height zoning map.

- (4) Transitional Zone. The transitional zone is land lying under those surfaces extending outward and upward at right angles to the runway centerline and the runway centerline extended at a slope of 7 to 1 from the sides of the primary surface and from the sides of the approach surfaces.

No structure shall exceed the transitional surface, as depicted on the Chariton Municipal Airport height zoning map.

- (5) No structure shall be erected in Lucas County that raises the published minimum descent altitude for an instrument approach to any runway, nor shall any structure be erected that causes the minimum obstruction clearance altitude or minimum enroute altitude to be increased on any federal airway in Lucas County.

(Ord. 653 § 3, 1993; Ord. 474 § 3, 1978)

18.12.040 Use restrictions.

Notwithstanding any other provisions of Section 18.12.030, no use may be made of land or water within Chariton in such a manner as to interfere with the operation of any airborne aircraft. The following requirements shall apply to each permitted use:

- (A) All lights or illumination used in conjunction with street, parking, signs or use of land and structures shall be arranged and operated in such a manner that it is not misleading or dangerous to aircraft operating from the Chariton Municipal Airport or in the vicinity thereof.
- (B) No operations from any use shall produce smoke, glare or other visual hazards within three statute miles of any usable runway of the Chariton Municipal Airport.
- (C) No operations from any use in Chariton shall produce electronic interference with navigation signals or radio communication between the airport and aircraft.

(Ord. 474 § 4, 1978)

18.12.050 Lighting.

- (a) Notwithstanding the provisions of Section 18.12.040, the owner of any structure over two hundred feet above ground level must install on the structure lighting in accordance with Federal Aviation Administration (FAA), Advisory Circular 70-7460-1D and amendments. Additionally, any structure, constructed after the effective date of the ordinance codified in this chapter and exceeding nine hundred forty-nine feet above ground level, must install on that structure high intensity white obstruction lights in accordance with Chapter 6 of FAA Advisory Circular 7460-1D and amendments.
- (b) Any permit or variance granted may be so conditioned as to require the owner of the structure or growth in question to permit the city at its own expense to install, operate and maintain thereto such markers or lights as may be necessary to indicate to pilots the presence of an airspace hazard.

(Ord. 474 § 5, 1978)

18.12.060 Variances.

Any person desiring to erect or increase the height of any structure, or to permit the growth of any tree, or otherwise use his property in violation of any section of this chapter may apply to the board of adjustment for variance from such regulations. No application for variance to the requirements of this chapter may be considered by the board of adjustment unless a copy of the application has been submitted to the Chariton Municipal Airport manager for his opinion as to the aeronautical effects of such a variance. If the Chariton Municipal Airport manager does not respond to the board of adjustment within fifteen days from receipt of the copy of the application, the board may make its decision to grant or deny the variance.

(Ord. 474 § 6, 1978)

18.12.070 Board of adjustment.

- (a) There is hereby created a board of adjustment to have and exercise the following powers:
 - (1) To hear and decide appeals from any order, requirement, decision, or determination made by the airport zoning board in the enforcement of this chapter;
 - (2) To hear and decide special exemptions to the terms of this chapter upon which such board of adjustment under such regulations may be required to pass; and
 - (3) To hear and decide specific variances.
- (b) The board of adjustment shall consist of five members appointed by the city council and each shall serve for a term of five years and until his successor is duly appointed and qualified. Of the members first appointed, one shall be appointed for a term of five years, one for a term of four years, one for a term of three years, one for a term of two years, and one for a term of one year. Members shall be removable by the appointing authority for cause, upon written charges, after a public hearing.
- (c) The board of adjustment shall adopt rules for its governance and in harmony with the provisions of this chapter. Meetings of the board shall be held at the call of the chairman and at such other times as the board of adjustment may determine. The chairman, or in his absence the acting chairman, may administer oaths and compel the attendance of witnesses. All meetings of the board of adjustment shall be open to the public. The board of adjustment shall keep minutes of its proceedings, showing the vote of each member upon each question, or if absent or failing to vote, indicating such fact, and shall keep records of its examinations, and other official actions, all of which shall immediately be filed in the office of the city clerk, and on due cause shown.
- (d) The board of adjustment shall have the powers established in Iowa Statutes, Section 414.12.
- (e) The concurring vote of a majority of the members of the board of adjustment shall be sufficient to reverse any order, requirement, decision or determination of any administrative official or to decide in favor of the applicant on any matter upon which it is required to pass under this chapter, or to effect variations of this chapter.

(Ord. 474 § 7, 1978)

18.12.080 Judicial review.

Any person aggrieved or any taxpayer affected by any decision of the board of adjustment may appeal to the court of record as provided in Iowa Statutes, Section 414.15.

(Ord. 474 § 8, 1978)

18.12.090 Administrative agency.

It shall be the duty of the city building official to administer the regulations prescribed in this chapter. Applications for permits and variances shall be made to the city building official upon a form furnished by him. Applications required by this chapter to be submitted to the administrative agency shall be promptly considered and granted or denied. Application for action by the board of adjustment shall be forthwith transmitted by the city building official.

(Ord. 474 § 9, 1978)

Chapter 18.14 ZONES ESTABLISHED

Sections:

18.14.010 Generally.

In carrying out the provisions of the Code of Iowa, 1981, Chapter 414, of the planning commission and the city council have divided the city into districts and have prepared regulations pertaining to such districts in accordance with a comprehensive plan and designed to lessen congestion in the streets; to secure safety from fire, panic and other dangers; to promote health and general welfare; to provide adequate light and air; to prevent the overcrowding of land; to avoid undue concentration of population; to facilitate the adequate provision of transportation, water, sewage, schools, parks; and other public requirements.

(Ord. 524 § 2 (part), 1982; Ord. 323 § 1200, 1969)

18.14.020 Zones listed.

Symbols, titles and a brief description of each of the zones established by this chapter are as set out in Sections 18.14.030 through 18.14.050.

(Ord. 323 § 1300, 1969)

18.14.030 Residential zones.

Residential zones in the city are:

- (1) AG agricultural zone: Provides for agriculture, very low-density residential development, and interim uses under specific conditions;
- (2) RS 84 single-family residence 8,400 square foot zone: provides for medium-density residential uses;
- (3) RD 70 single and duplex residence 7,000 square foot zone: provides for one-family and two-family dwellings on moderate-sized lots;
- (4) RM 40 multifamily residence 4,000 square foot zone: provides for medium-density multifamily dwellings on moderate-sized lots;
- (5) RG 20 general residence 2,000 square foot zone: provides for multiple dwellings and compatible office buildings;
- (6) -M -modified residential zone: provides for the inclusion of mobile home parks.

(Ord. 524 § 1(b), 1982; Ord. 323 §§ 1311—1320, 1969)

18.14.040 Business zones.

Business zones in the city are:

- (1) BN neighborhood business zone: to provide for a very limited commercial area serving the common and frequent needs of the residents of the immediate vicinity;
- (2) BGC central general business zone: to provide a general business zone which will take into account the special characteristics of the central business district;

- (3) BGH heavy general business zone: to provide for the widest range of retail and service establishments short of actual industrial operations;
- (4) HSB highway service business zone: to provide for efficient use of business land near major highways and highway interchanges.

(Ord. 323 § 1331—1336, 1969)

18.14.050 Industrial zones.

Industrial zones in the city are:

- (1) ML light manufacturing zone: to provide for most uses which can meet rigid specifications but prohibiting residences;
- (2) MH heavy manufacturing zone: to provide for greater latitude in meeting performance standards than the ML zone, but prohibiting residences and limiting retail and service businesses.

(Ord. 323 § 1341, 1343, 1969)

Chapter 18.16 AG AGRICULTURAL ZONE

Sections:

18.16.010 Purpose.

This zone is designed to preserve lands best suited for agricultural use from encroachment of incompatible uses, and to preserve in agricultural use, land suited to eventual development in other uses pending proper timing for practical and economic provision of utilities, major streets, schools and other facilities so that reasonably compact development will occur and the fiscal integrity of the city preserved. A change of zoning from AG to any other classification shall be in accordance with planning practices established by the commission.

(Ord. 323 § 2101, 1969)

18.16.020 Principal permitted uses.

Principal permitted uses in this zone are:

- (1) Agriculture including the raising of field crops, horticulture, animal husbandry subject to rules and regulations of the board of health, but excluding lots, poultry farms and kennels;
- (2) Ranch and farm dwellings pertaining to agricultural operations;
- (3) Parks and recreation areas operated by the city or other political subdivisions;
- (4) Riding academies;
- (5) Country clubs as defined herein, when located on a lot of at least five acres;
- (6) Recreational camps operated by public, charitable or religious organizations;
- (7) Buildings and installations geographically necessary to operate a public utility, but not including general offices, material yards or repair shops. Such facilities shall observe yard space rules, but shall not be required to provide the full lot size and lot width requirement;

- (8) Railroad through or spur tracks, but no siding or other terminal type facilities and no service repair or administrative facilities;
- (9) Greenhouses.

(Ord. 323 §§ 2111—2119, 1969)

18.16.030 Permitted accessory uses.

Permitted accessory uses in this zone are:

- (1) Living quarters for persons regularly employed on the premises; but not including labor camps or dwellings for transient labor;
- (2) Guest houses, not rented or otherwise conducted as a business;
- (3) Home occupations;
- (4) Offices incidental to and necessary for conducting a permitted use;
- (5) Private garages, stables and barns;
- (6) Roadside stands not exceeding four hundred square feet in floor area, for the sale of agricultural products grown on the premises;
- (7) Name plates and non-illuminated signs not to exceed twenty square feet in area identifying the premises, but not containing over twenty percent brand advertising;
- (8) The keeping of not more than two roomers or boarders;
- (9) Other accessory uses and buildings customarily appurtenant to a permitted use.

(Ord. 524 § 1(n (part)), 1982; Ord. 323 §§ 2131—2139, 1969)

18.16.040 Conditional uses.

Conditional uses in this zone are:

- (1) Cemeteries, crematories, mausoleums, columbariums;
- (2) Commercial mines, quarries and sand and gravel pits;
- (3) Par-3 golf courses;
- (4) Public and quasi-public buildings and structures and uses of an administrative, educational, religious, cultural or public service type including colleges;
- (5) Billboards and general advertising signs.

(Ord. 323 §§ 2152—2155, 1969)

18.16.050 Space limits.

Space limits in this zone are:

- (1) Minimum lot area: ten acres;
- (2) Minimum width of lot: one hundred fifty feet;
- (3) Maximum height of building: thirty-five feet;

- (4) Minimum front yard: thirty-five feet;
- (5) Minimum rear yard: thirty-five feet;
- (6) Minimum side yard: twenty feet;
- (7) Minimum side yard of street side of corner: twenty-five feet;
- (8) Maximum floor area ratio: 0.1;
- (9) Maximum ground coverage including accessory buildings: ten percent.

(Ord. 323 §§ 2172—2179, 1969)

18.16.060 Miscellaneous provisions.

Miscellaneous provisions in this zone are:

- (1) Off-street parking space shall be provided for all uses established in this zone.
- (2) Only one building for living purposes shall be permitted on one zoning lot except as otherwise provided herein.

(Ord. 323 §§ 2191, 2192, 1969)

Chapter 18.18 RS 84 SINGLE-FAMILY RESIDENCE 8,400 SQUARE FOOT ZONE

Sections:

18.18.010 Purpose.

This zone is designed to stabilize and protect the residential characteristics of the district and to encourage a suitable family life on medium-size lots.

(Ord. 524 § 1(o), 1982; Ord. 323 § 2400, 1969)

18.18.020 Principal permitted uses.

Principal permitted uses in this zone are: the principal permitted uses common to all residential zones.

(Ord. 323 § 2410, 1969)

18.18.030 Permitted accessory uses.

Permitted accessory uses in this zone are:

- (1) The permitted accessory uses common to all residential zones;
- (2) Home occupations.

(Ord. 524 § 1(n (part)), 1982; Ord. 323 §§ 2430, 2431, 1969)

18.18.040 Conditional uses.

Conditional uses in this zone are: the conditional uses common to all residential zones.

(Ord. 323 § 2450, 1969)

18.18.050 Space limits.

Space limits in this zone are:

- (1) Minimum lot area: eight thousand four hundred square foot for residential uses, one acre for religious and cultural uses;
- (2) Minimum width of lot: seventy-five feet;
- (3) Maximum height of building: thirty-five feet;
- (4) Minimum front yard: thirty feet;
- (5) Minimum rear yard: thirty feet;
- (6) Minimum side yard: ten feet for lots platted any time after the effective date of the ordinance codified in this title and eight feet for lots platted prior to the effective date of the ordinance codified in this title;
- (7) Minimum side yard on street side of corner: twenty-five feet;
- (8) Maximum gross floor area ratio: 0.3;
- (9) Maximum ground coverage including accessory buildings: thirty percent;
- (10) On a reverse corner lot, the minimum side yard setback on the street side of the two shall conform to the front yard setback requirements of this zone, when two or more lots of that block are not occupied on the effective date of the ordinance codified in this title. When two or more lots in any block are occupied by buildings which existed on the effective date of the ordinance codified in this title, the average front yard depth of such lots shall be the established side yard building line for reverse corner lots, but in no event shall this building line be closer than twenty feet from any street line.

(Ord. 323 §§ 2470—2479, 1969)

Chapter 18.20 RD 70 SINGLE AND DUPLEX RESIDENCE 7,000 SQUARE FOOT ZONE

Sections:

18.20.010 Purpose.

This zone is designed to provide for one-family and two-family dwelling areas on lots of moderate size.

(Ord. 323 § 2600, 1969)

18.20.020 Principal permitted uses.

Principal permitted uses in this zone are:

- (1) The principal permitted uses common to all residential zones;
- (2) Residential buildings containing not more than two dwelling units.

(Ord. 323 §§ 2610, 2611, 1969)

18.20.030 Permitted accessory uses.

Permitted accessory uses in this zone are:

- (1) The permitted accessory uses common to all residential zones;
- (2) Home occupations.

(Ord. 524 § 1(n (part)), 1982; Ord. 323 §§ 2630, 2631, 1969)

18.20.040 Conditional uses.

Conditional uses in this zone are:

- (1) The conditional uses common to all residential zones;
- (2) Fraternity and sorority houses when directly associated with a college or university;
- (3) Buildings of nonprofit community organizations and social welfare establishments other than those providing living accommodations;
- (4) Bed and breakfast inns containing not more than six guest rooms and which provide lodging on a per night basis;
- (5) Eating establishments, including those where the service of alcohol is incidental to the service of food. Drive-in type restaurants, ice cream stands, sandwich shops, and similar establishments where it is intended that food and drink be consumed in cars or otherwise in the area surrounding the establishment shall be prohibited. Restaurants, eateries, bars, or any other establishment containing a bar area where alcohol is served shall further be prohibited.

(Ord. 827 § 2, 2005; Ord. 758 § 2, 1999; Ord. 323 §§ 2650—2652, 1969)

18.20.050 Space limits.

Space limits in this zone are:

- (1) Minimum lot area: seven thousand square feet per dwelling unit for residential buildings containing one dwelling unit. Residential dwelling units containing two dwelling units shall have a minimum of four thousand square feet per dwelling unit;
- (2) Minimum width of lot: seventy feet;
- (3) Maximum height of building: thirty-five feet;
- (4) Minimum front yard: twenty-five feet;
- (5) Minimum rear yard: twenty-five feet;
- (6) Minimum side yard: eight feet;
- (7) Minimum side yard on street side of corner: twenty-five feet;
- (8) Maximum gross floor area ratio: 0.3;
- (9) Maximum ground coverage including accessory buildings: thirty percent;
- (10) On a reverse corner lot, the minimum side yard setback on the street side of the lot shall conform to the front yard setback requirements of this zone, when two or more lots in any block are occupied by buildings, which existed on the effective date of the ordinance codified in this title, the average front yard depth of such lots shall be the established side yard building line for reverse corner lots, but in no event shall this building line be closer than twenty feet from any street line.

(Ord. 323 §§ 2670—2679, 1969)

Chapter 18.21 SR 60 SINGLE RESIDENCE 6,000 SQUARE FOOT ZONE

Sections:

18.21.010 Purpose.

This zone is designed to provide for one-family dwelling areas on lots of moderate size.

(Ord. 733 § 2 (part), 1998)

18.21.020 Principal permitted uses.

Principal permitted uses in this zone are:

- (1) The principal permitted uses common to all residential zones;
- (2) Residential buildings containing not more than one dwelling unit.

(Ord. 733 § 2 (part), 1998)

18.21.030 Permitted accessory uses.

Permitted accessory uses in this zone are:

- (1) The permitted accessory uses common to all residential zones;
- (2) Home occupations.

(Ord. 733 § 2 (part), 1998)

18.21.040 Conditional uses.

Conditional uses in this zone are:

- (1) The conditional uses common to all residential zones;
- (2) Fraternity and sorority houses when directly associated with a college or university;
- (3) Buildings of nonprofit community organizations and social welfare establishments other than those providing living accommodations.

(Ord. 733 § 2 (part), 1998)

18.21.050 Space limits.

Space limits in this zone are:

- (1) Minimum lot area: six thousand square feet per dwelling unit for residential buildings containing one dwelling unit;
- (2) Minimum width of lot: sixty feet;
- (3) Maximum height of building: thirty-five feet;
- (4) Minimum front yard: twenty-five feet;
- (5) Minimum rear yard: twenty-five feet;

- (6) Minimum side yard: six feet;
- (7) Minimum side yard on street side of corner: twenty-five feet;
- (8) Maximum gross floor area ratio: 0.3;
- (9) Maximum ground coverage including accessory buildings: thirty percent;
- (10) On a reverse corner lot, the minimum side yard setback on the street side of the lot shall conform to the front yard setback requirements of this zone, when two or more lots in any block are occupied by buildings, which existed on the effective date of the ordinance codified in this title, the average front yard depth of such lots shall be the established side yard building line for reverse corner lots, but in no event shall this building line be closer than twenty feet from any street line.

(Ord. 733 § 2 (part), 1998)

Chapter 18.22 RM 40 MULTIFAMILY RESIDENCE 4,000 SQUARE FOOT ZONE

Sections:

18.22.010 Purpose.

This zone is designed to provide for medium-density multifamily areas on lots of moderate size.

(Ord. 524 § 1(p (part)), 1982: Ord. 323 § 2700, 1969)

18.22.020 Principal permitted use.

Principal permitted uses in this zone are:

- (1) The principal permitted uses common to all residential zones;
- (2) Residential buildings containing not more than two dwelling units;
- (3) Multifamily residential buildings containing no more than twelve dwelling units.

(Ord. 524 § 1(p (part)), 1982: Ord. 323 §§ 2710—2712, 1969)

18.22.030 Permitted accessory uses.

Permitted accessory uses in this zone are:

- (1) The permitted accessory uses common to all residential zones;
- (2) Home occupations.

(Ord. 524 § 1(p (part)), 1982: Ord. 323 §§ 2730, 2731, 1969)

18.22.040 Conditional uses.

Conditional uses in this zone are:

- (1) The conditional uses common to all residential zones;
- (2) Fraternity and sorority houses when directly associated with a college or university;

- (3) Buildings of nonprofit community organizations and social welfare establishments other than those providing living accommodations.
- (4) Bed and breakfast inns containing not more than six guest rooms and which provide lodging on a per night basis.

(Ord. 758 § 3, 1999; Ord. 524 § 1(p (part)), 1982; Ord. 323 §§ 2750—2752, 1969)

18.22.050 Space limits.

Space limits in this zone are:

- (1) Minimum lot area: seven thousand square feet per dwelling unit for residential buildings containing one dwelling unit. Residential dwelling units containing two or more dwelling units shall have a minimum of four thousand square feet per dwelling unit;
- (2) Minimum width of lot: seventy feet;
- (3) Maximum height of building: forty-five feet;
- (4) Minimum front yard: twenty-five feet;
- (5) Minimum rear yard: fifteen feet;
- (6) Minimum side yard: eight feet;
- (7) Minimum side yard on street side of corner: twenty-five feet;
- (8) Maximum gross floor area ratio: 0.5;
- (9) Maximum ground coverage including accessory buildings: seventy percent;
- (10) On a reverse corner lot, the minimum side yard setback on the street side of the lot shall conform to the front yard setback requirements of this zone, when two or more lots in any block are occupied by buildings which existed on the effective date of the ordinance codified in this title, the average front yard depth of such lots shall be the established side yard building line for reverse corner lots, but in no event shall this building line be closer than twenty feet from any street line;
- (11) Within the RM 40 zone, more than one residential building may be located on a single zoning lot, provided, all residential buildings located on a single zoning lot shall be in the same ownership, and all space limits shall be met.

(Ord. 524 § 1(p (part)), 1982; Ord. 323 §§ 2770—2780, 1969)

Chapter 18.24 RG 20 GENERAL RESIDENCE 2,000 SQUARE FOOT ZONE

Sections:

18.24.010 Purpose.

This zone is designed to provide for moderately high density apartment development and other uses which have characteristics similar to those found in the operation of apartment houses.

(Ord. 323 § 2800, 1969)

18.24.020 Principal permitted uses.

Principal permitted uses in this zone are:

- (1) The principal permitted uses common to all residential zones;
- (2) Multiple dwellings;
- (3) Hospitals and rest homes, nursing homes;
- (4) Roominghouses and boardinghouses;
- (5) Apartment hotels;
- (6) Private clubs, fraternity houses, sorority houses, lodges and similar establishments, but specifically excluding those establishments which have a name or legal basis as the aforesaid, but are in fact operated as a business enterprise, and also excluding concessions associated with the aforesaid which are operated as a business enterprise;
- (7) The offices of one or more professional persons engaged in the activities which generate a limited amount of contact with the general public, but including medical clinics, offices of lawyers, accountants, architects, planners, engineers and similar professions;
- (8) Buildings of nonprofit community organizations and social welfare establishments;
- (9) Child care center.

(Ord. 524 § 1(q), 1982; Ord. 432 § 3, 1976; Ord. 323 §§ 2810—2818, 1969)

18.24.030 Permitted accessory uses.

Permitted accessory uses in this zone are: The permitted accessory uses common to all residential zones.

(Ord. 323 § 2830, 1969)

18.24.040 Conditional uses.

Conditional uses in this zone are:

- (1) The conditional uses common to all residential zones;
- (2) Office buildings for the conduct of the administrative business of a single company when such business does not deal with the public directly from the site of such office building;
- (3) Mortuaries, funeral homes and funeral chapels.

(Ord. 323 §§ 2850—2852, 1969)

18.24.050 Space limits.

Space limits in this zone are:

- (1) Minimum lot area: two thousand square feet per dwelling unit except that residential buildings containing one dwelling unit shall have a minimum lot area of seven thousand square feet and residential buildings containing two dwelling units shall have a minimum lot area of three thousand five hundred square feet per dwelling unit and residential buildings containing three or four dwelling units shall have a minimum lot area of two thousand five hundred square feet per dwelling unit;

- (2) Minimum zoning lot: seven thousand square feet;
- (3) Minimum width of lot: seventy feet;
- (4) Maximum height of building: seventy-five feet;
- (5) Minimum front yard: twenty-five feet;
- (6) Minimum rear yard: ten feet;
- (7) Minimum side yard: five feet;
- (8) Minimum side yard on street side of corner: ten feet;
- (9) Maximum gross floor area ratio: 3.0;
- (10) Maximum ground coverage including accessory buildings: eighty percent;
- (11) On a reverse corner lot, the minimum side yard setback on the street side of the lot shall conform to the front yard setback requirements of this zone, when two or more lots of that block are not occupied on the effective date of the ordinance codified in this title. When two or more lots in any block are occupied by buildings which existed on the effective date of the ordinance codified in this title, the average front yard depth of such lots shall be the established side yard building line for reverse corner lots, but in no event shall this building line be closer than twenty feet from any street.

(Ord. 323 §§ 2870—2880, 1969)

Chapter 18.26 BN NEIGHBORHOOD BUSINESS ZONE

Sections:

18.26.010 Purpose.

This zone is designed to provide for limited commercial uses serving the common and frequent needs of the residents of the immediate vicinity.

(Ord. 323 § 4100 (part), 1969)

18.26.020 Principal permitted uses.

Principal permitted uses in this zone are:

- (1) Retail and service stores of the following type provided all activities and display goods are carried on within an enclosed building except that green plants and shrubs may be displayed in the open; and further provided, that all waste material be kept within a sight-obscuring enclosure;
- (2) Apparel stores, tailor shops, dressmaker;
- (3) Bakery, custom selling all production at retail on the premises or as retail custom orders for delivery;
- (4) Self-service automatic laundry of not more than thirty washing units;
- (5) Self-service automatic dry cleaning establishments of not more than ten cleaning units;
- (6) Bank, savings and loan association;
- (7) Barber, beauty shops;

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- (8) Book store;
- (9) Candy, ice cream store including manufacture, if all production is sold at retail on the premises or as retail custom orders for delivery;
- (10) Dry cleaning pick-up station with custom pressing and repair, but not including cleaning and laundering on the premises, unless self-service laundry or dry cleaning as permitted herein;
- (11) Dry goods store;
- (12) Drug or drug-variety store;
- (13) Dance studios including group instruction for up to eight persons but not including dancehalls;
- (14) Eating places without the service of beer or intoxicating beverages and without dancing. Drive-in type restaurants, ice cream stands, sandwich shops and similar establishments where it is intended that food and drink be consumed in cars or otherwise in the area surrounding the establishment shall be prohibited except in sidewalk or patio cafes where service is provided to tables only;
- (15) Florist shops;
- (16) Garden supply including nursery stock;
- (17) Gift and card shop;
- (18) Grocery, supermarket;
- (19) Hardware, appliance and small tool rental when incidental to a hardware or other business;
- (20) Hobby, toy and sporting goods store;
- (21) Jewelry store;
- (22) Meat market retail, but no killing, eviscerating, skinning, plucking or smoking of food products on the premises;
- (23) Music store, music studio;
- (24) News and tobacco store;
- (25) Paint, wallpaper, drapery and floor covering store;
- (26) Photographer, artist photofinishing, and camera store;
- (27) Real estate sales office;
- (28) Shoe store;
- (29) Shoe repair shop;
- (30) Specialty furniture shops not in excess of four thousand square feet of gross floor area;
- (31) Television, radio and small appliance repair;
- (32) Variety store;
- (33) Single-family residences, when not in a business building or on the same zoning lot as a business building, and when in conformity with the space limits of the RD 70 zone;
- (34) Other light retail and service establishments which may be determined by the board of adjustment to be similar to the above-listed principal permitted uses and which are in harmony with the purpose of

this zone, but not including those uses which are not mentioned in this zone but are specifically enumerated in another zone;

- (35) Railroad through and spur tracks, but no sidings or other terminal type facilities and no service, repair or administrative facilities;
- (36) Utility substations necessary to the functioning of the utility, but not including general business offices, maintenance facilities and other general system facilities, when located according to the yard space rules set forth in this section for dwellings and having a landscaped or masonry barrier on all sides. Buildings shall conform with all space limits of this zone and shall be of such exterior designs as to harmonize with nearby properties.
- (37) Multifamily residential buildings containing no more than thirty dwelling units, when in conformity with the space limits of the RG 20 zone.

(Ord. 432 § 2, 1976; Ord. 323 §§ 4110—4146, 1969)

(Ord. No. 918, § 2, 6-15-2020)

18.26.030 Excluded uses.

The following uses are declared incompatible with the purpose of the BN zone and are expressly excluded.

- (1) Billboards and general advertising signs;
- (2) Drive-ins;
- (3) Taverns;
- (4) Gasoline service stations, automotive repair;
- (5) Any use not enumerated as permitted in this zone, but which is specifically provided for in another zone.

(Ord. 323 § 4100 (part), 1969)

18.26.040 Permitted accessory uses.

Permitted accessory uses in this zone are:

- (1) Accessory uses for residential development shall include those listed under the RD 70 zone and shall be established and conducted in accordance with the regulations of that zone.
- (2) Accessory uses for commercial development shall include those normally appurtenant to such development, except as further specified herein.
- (3) All signs shall be flat against the wall of the building with all parts of the sign within eighteen inches of the face of the building or on the roof within the height limit and shall not be illuminated so as to shine on nearby residential properties. Illumination shall be nonflashing and shall not contain a rotating, oscillating or revolving beam or beacon of light.
- (4) For sale or lease signs shall conform with the regulations of the RD 70 zone.

(Ord. 323 §§ 4147—4150, 1969)

18.26.050 Conditional uses.

Conditional uses in this zone are:

- (1) Medical and dental clinics established to provide service to the inhabitants of the local neighborhood and limited to two practitioners in any one building;
- (2) Par-3 golf courses.

(Ord. 323 §§ 4151—4152, 1969)

18.26.060 Space limits.

Space limits in this zone are:

- (1) Minimum lot area: seven thousand five hundred square feet;
- (2) Minimum width of lot: fifty feet. Parking and landscaping areas may be included in this calculation;
- (3) Maximum height of building: twenty-five feet, including roof signs and pylons;
- (4) Minimum front yard: twenty-five feet;
- (5) Minimum rear yard: twenty feet;
- (6) Minimum side yard: five feet, when abutting a lot in use as a residence. None abutting businesses;
- (7) Minimum side yard on street side of corner: twenty-five feet. The twenty feet of a required side yard adjacent to the building may be used for the parking of automobiles;
- (8) Maximum gross floor area ration: 0.7;
- (9) Maximum ground coverage: seventy percent.

(Ord. 323 § 4170—4178, 1969)

18.26.070 Miscellaneous provisions.

Miscellaneous provisions in this zone are:

- (1) Off-street parking and loading shall be provided for all uses established in this zone.
- (2) Only one building for living purposes shall be permitted on one zoning lot except as otherwise provided herein. No business shall be constructed on a zoning lot occupied by a residence.

(Ord. 323 §§ 4190, 4191, 1969)

Chapter 18.28 BGC CENTRAL GENERAL BUSINESS

Sections:

18.28.010 Purpose.

This zone is designed to provide a general business zone which will take into account the special characteristics of the central business district of the city.

(Ord. 323 § 4300, 1969)

18.28.020 Principal permitted uses.

Principal permitted uses in this zone are:

- (1) Any use permitted in the BN zone;
- (2) Bakery or pastry shops employing not more than five persons on the premises, exclusive of drivers;
- (3) Bicycle sales and repair shops, but not including sales and repair of motor driven vehicles;
- (4) Bowling alleys, trampoline or rebound equipment centers, miniature golf courses, poolhalls, dancehalls, kiddie parks and skating rinks;
- (5) Buildings other than heavy storage and maintenance shops for municipal or governmental purposes;
- (6) Business and commercial schools;
- (7) Clinics for people only;
- (8) Dancing schools including group instruction;
- (9) Feed and seed stores;
- (10) Frozen food lockers for individual or family trade, but no slaughtering, killing, eviscerating, skinning, plucking or smoking on the premises;
- (11) Furniture and antique homes and stores including used furniture stores;
- (12) Liquor stores;
- (13) Garages for the storage of automobiles, but not including major repair, body and fender work or painting;
- (14) Greenhouses, commercial; nursery stock sales yards;
- (15) Loan offices;
- (16) Extremely light, professional type manufacturing and repair of such items as eyeglasses, custom jewelry, prosthetic devices and other similar services and manufacture;
- (17) Mortuaries, funeral homes and funeral chapels;
- (18) Motels, hotels;
- (19) General office buildings;
- (20) Commercial parking lots;
- (21) Pawn shops;
- (22) Pet shops;
- (23) Printing, job, when mechanical operation is not visible from a street;
- (24) Radio and television stations, except transmission towers over thirty-five feet high;
- (25) Stationery and office machine sales and service;
- (26) Tavern, cocktail lounge, club operated as a tavern or cocktail lounge;
- (27) Theater other than drive-in;
- (28) Upholstery shops;

- (29) Automatic vending structures when located on that portion of a lot on which a principal building is permitted;
- (30) Gasoline service stations which do not conduct major automotive repairs, body and fender work, or automobile painting, provided all used and waste materials are kept within a solid enclosure so that contents are not visible from the street or other properties; and provided no stock of goods is displayed out of doors with the exception of lubricants and additives for frequent sales, and provided no lighting is constructed to shine on neighboring properties used for residential purposes. Two brand identification signs shall be allowed if their only illumination is non-flashing and shall not contain a rotating, oscillating or revolving beam or beacon of light. They may be installed at the property line;
- (31) Drive-in business of any use permitted in the BN zone, including a drive-in car wash of not more than four bays, shall be allowed; provided, that any such establishment shall provide adequate off-street storage space for all cars of patrons; that there be a sturdy, close-woven or solid fence on all but the front side; that no music or loud speaker system shall be installed that may be heard at neighboring properties used for residential purposes. Freestanding signs shall be allowed if their illumination is nonflashing and does not contain a rotating, oscillating or revolving beam or beacon of light and may be installed at the property line;
- (32) Dry cleaning and laundry establishments using only nonflammable solvents and not over one thousand two hundred square feet in floor area. The scale of such operations is intended to serve the local residents and capacity shall be limited to the service of walk-in trade and a two delivery vehicle outside operation;
- (33) Other retail and service establishment which may be determined by the board of adjustment to be similar to the above-listed principal permitted uses and which are in harmony with the purpose of this zone but not including any use not enumerated as permitted in this zone but which is specifically provided for in another zone;
- (34) Multifamily residential structures and other structures and uses permitted in the RG 20 zone, provided such structures and uses shall meet the space limits of this BGC zone. Single-family detached residences shall be prohibited in the BGC zone.

(Ord. 524 § 1(r), (s), 1982; Ord. 323 §§ 4310—4341, 1969)

18.28.030 Permitted accessory uses.

Permitted accessory uses in this zone are:

- (1) Accessory uses for residential development shall include those listed under the RG 20 zone and shall be established and conducted in accordance with the regulations of that zone;
- (2) Signs including illuminated signs;
- (3) Other accessories normally appurtenant to uses permitted in this zone.

(Ord. 323 §§ 4345—4347, 1969)

18.28.040 Conditional uses.

Conditional uses in this zone are: The board of adjustment may allow mixed business and residential structures at a density of one dwelling unit per one thousand square feet of lot area or any other zone requiring more lot area per dwelling unit, upon a finding that the proposed density of residential use will be in harmony with nearby residential zoning, and when such mixed occupancy building is specifically designed and constructed for

such mixed occupancy, but shall not include the construction of a business building in the yard of a residence or within an existing residence.

(Ord. 323 § 4350, 1969)

18.28.050 Space limits.

Space limits in this zone are:

- (1) Minimum lot area for business: none. Residential structures shall conform with the provisions of this zone;
- (2) Minimum width of lot: none for business;
- (3) Maximum height of building: fifty-five feet;
- (4) Minimum front yard: none for business;
- (5) Minimum rear yard: none for business;
- (6) Minimum side yard: five feet when abutting any zone requiring a side yard;
- (7) Minimum side yard on street side of corner: none;
- (8) Maximum gross floor area ratio: 2.0;
- (9) Maximum ground coverage including accessory buildings, loading docks, incinerators and vending devices: ninety-five percent.

(Ord. 524 § 1, (t), 1982; Ord. 323 §§ 4370—4378, 1969)

18.28.060 Miscellaneous provisions.

Miscellaneous provisions in this zone are:

- (1) Off-street loading shall be provided for all new buildings. Off-street parking may be provided by governmental or group action. It is not desired that each building supply parking space to meet its full demands on or adjacent to its site in that an arrangement would tend to spread the BGC district over too large an area to make pedestrian communication and interchange inconvenient.
- (2) Only one building for living purposes shall be permitted on one zoning lot except as otherwise provided herein.

(Ord. 323 §§ 4390, 4391, 1969)

Chapter 18.30 BGH HEAVY GENERAL BUSINESS ZONE

Sections:

18.30.010 Purpose.

This zone is designed to provide for the widest range of retail and service establishments short of actual industrial operations.

(Ord. 323 § 4400, 1969)

18.30.020 Principal permitted uses.

Principal permitted uses in this zone are:

- (1) Any use permitted in the BGC zone;
- (2) Dry cleaning, laundry and dyeing plants employing not over twenty persons exclusive of drivers;
- (3) Wholesale stores, but not establishments operated primarily as a warehouse. A wholesale store shall be distinguished from a warehouse if there is one square foot of office, sales and display space for each square foot of warehousing space, and the buildings so arranged as to encourage walk-in trade;
- (4) Combination display store, office, warehouse and fabrication shop for electrical, plumbing, heating and refrigeration contractors, and automobile supply house with minor overhaul and machining of parts;
- (5) Automotive repair;
- (6) New and used automobile, truck, tractor, construction equipment, boat, trailer and farm machinery sales rooms and lots, but excluding the storage of vehicles, boats, trailers or machinery not in operable condition or in the process of salvage, or the major parts thereof;
- (7) Bakery or pastry shops employing not more than five persons on the premises, exclusive of drivers;
- (8) Bicycle sales and repair shops;
- (9) Bowling alleys, trampoline or rebound equipment centers, miniature golf courses, poolhalls, dancehalls, kiddie parks and skating rinks;
- (10) Buildings other than heavy storage and maintenance shops for municipal or governmental purposes;
- (11) Business and commercial schools;
- (12) Clinics for people only;
- (13) Dancing schools including group instruction;
- (14) Feed and seed store;
- (15) Frozen food lockers for individual or family trade, but no slaughtering, killing, eviscerating, skinning, plucking or smoking on the premises;
- (16) Furniture and antique homes and stores including used furniture stores;
- (17) Liquor stores;
- (18) Garages for the storage of automobiles;
- (19) Greenhouses, commercial; nursery stock sales yards;
- (20) Loan offices;
- (21) Extremely light, professional type manufacturing and repair of such items as eyeglasses, custom jewelry, prosthetic devices and other similar services and manufacture;
- (22) Mortuaries, funeral homes and funeral chapels;
- (23) Motels, hotels;
- (24) General office buildings;
- (25) Commercial parking lots;

- (26) Pawn shops;
- (27) Pet shops;
- (28) Printing, job, when mechanical operation is not visible from a street;
- (29) Radio and television stations, except transmission towers over thirty-five feet high;
- (30) Stationery and office machine sales and service;
- (31) Tavern, cocktail lounge, club operated as a tavern or cocktail lounge;
- (32) Theater other than drive-in;
- (33) Upholstery shops;
- (34) Automatic vending structures when located on that portion of a lot on which a principal building is permitted;
- (35) Other retail and service establishments which may be determined by the board of adjustment to be similar to the above-listed principal permitted uses and which are in harmony with the purpose of this zone, but not including any uses not enumerated as permitted in this zone but which is specifically provided for in another zone;
- (36) Residential structures and other structures and uses permitted in the RG 20 zone when not in a business building or on the same zoning lot as a business building, and when in conformity with the space limits of the RG 20 zone.

(Ord. 829 § 2, 2006; Ord. 524 § 1(v), 1982; Ord. 323 §§ 4410—4446, 1969)

18.30.030 Permitted accessory uses.

Permitted accessory uses in this zone are:

- (1) Accessory uses for residential development shall include those listed under RD 70 zone and shall be established and conducted in accordance with the regulations of that zone;
- (2) Signs, including illuminated signs;
- (3) Other accessories normally appurtenant to uses permitted in this zone.

(Ord. 323 §§ 4450—4452, 1969)

18.30.040 Conditional uses.

Conditional uses in this zone are:

- (1) The board of adjustment may allow residential and mixed business and residential structures to conform with the RG 20 zone or any other zone requiring more lot area per dwelling unit, upon a finding that the proposed density of residential use will be in harmony with nearby residential zoning, and when said mixed occupancy, but shall not include the construction of a business building in the yard of a residence or within an existing residence;
- (2) Billboards and general advertising signs.

(Ord. 323 §§ 4460, 4461, 1969)

18.30.050 Space limits.

Space limits in this zone are:

- (1) Minimum lot area for business: none. Residential structures shall conform with the provisions of the RD 70 zone, except as may be modified by the board of adjustment in accordance with the conditional use provisions of this zone;
- (2) Minimum width of lot: none for business;
- (3) Maximum height of building: fifty-five feet;
- (4) Minimum front yard: none for business;
- (5) Minimum rear yard: none for business;
- (6) Minimum side yard: none for business;
- (7) Minimum side yard on street side of corner: none for business;
- (8) Maximum gross floor area ratio: 6.1;
- (9) Maximum ground coverage: one hundred percent for business or mixed business and residential buildings.

(Ord. 323 §§ 4470—4478, 1969)

18.30.060 Miscellaneous provisions.

Miscellaneous provisions in this zone are:

- (1) Off-street parking and loading shall be provided for all uses established in this zone.
- (2) Only one building for living purposes shall be permitted on one zoning lot except as otherwise provided herein.

(Ord. 323 §§ 4490, 4491, 1969)

Chapter 18.32 HSB HIGHWAY SERVICE BUSINESS ZONE

Sections:

18.32.010 Purpose.

This zone is designed to provide for the effective use of land situated in relationship to major highways and highway interchanges so efficient grouping of activities can develop to serve the traveling public. Front yard requirements are designed to provide for the safety of the traveling public by provision for adequate off-highway maneuvering and parking space.

(Ord. 323 § 4600, 1969)

18.32.020 Principal permitted uses.

Principal permitted uses in this zone are:

- (1) Motels and motor hotels designed for accommodation of the traveling public, and including swimming pools, children's play yards, golf putting greens and similar uses when they are a part of said motel or motor hotel developments;
- (2) Restaurants and eating places, provided, however, that no such establishment shall be operated as a restaurant or eating place in which more than half the gross receipts are derived from the sale of beer or other intoxicating beverages. Taverns, bars, cocktail lounges and similar establishments which require licensing for the dispensing of beverages shall be prohibited except as a part of and located in the same building as a restaurant or eating place specified above. A tavern, bar or cocktail lounge is less than ten percent of the floor area of said motel or motel hotel and is not located on the front or highway side of such motel or motor hotel complex;
- (3) Gasoline service stations which do not conduct major automotive repairs, body or fender work or automobile painting, and at which all used and waste materials are kept within a solid enclosure so that the contents are not visible from a street, highway, interstate highway or other properties. Gasoline pumps and other facilities shall be considered as structures and shall not be located within a required yard space;
- (4) Self-operated vending devices, provided such devices shall be placed for operation and stored behind the building line specified herein for conventional structures;
- (5) Drive-in configurations of any business otherwise permitted in this zone; provided, that any such establishment shall provide adequate off-street space for the maneuvering and storage of patrons' vehicles; and further provided, that there be a sturdy, class-woven or solid fence suitable for the retaining of any discarded paper or other material on all sides of the parking area except the front, and provided no music or loud speaker system shall be installed or operated that can be heard at neighboring residential, motel or motor hotel properties, and providing all lighting shall be directed and shielded so as to light only the property of such establishment;
- (6) Light retail establishments such as: Apparel, drug, variety, florist, gift, grocery, jewelry, small appliance, bakery and dairy; provided, however, that these uses do not exceed five hundred square feet of gross floor area and are incidental to the primary uses listed under subsection (1) of this section;
- (7) Light service establishments such as: Tailor, dressmaker, barber, beauty operator, dance studio (but excluding dancehall) , real estate, insurance, photographer, professional offices, self-service laundry and dry cleaning;
- (8) Other light retail and service establishments which may be determined by the board of adjustment to be similar to the above-listed principal permitted uses and which are in harmony with the purpose of the zone;
- (9) Single-family residences, when not in a business building or on the same zoning lot as a business building, and when in conformity with the space limits of the RD 70 zone;
- (10) Storage units with all storage area located inside of a building.

(Ord. 772 § 2(b), 2000; Ord. 524 § 1(n), 1982; Ord. 323 §§ 4610—4618, 1969)

18.32.030 Permitted accessory uses.

Permitted accessory uses in this zone are:

- (1) Accessory uses for residential development shall include those listed under the RD 70 zone and shall be established and conducted in accordance with the regulations of that zone.

- (2) Accessory uses for commercial development shall include those normally appurtenant to such development, except as further specified herein, and shall be located in accordance with the space limits of this zone.
- (3) Signs, including illuminated signs.

(Ord. 323 §§ 4630—4632, 1969)

18.32.040 Conditional uses.

Conditional uses in this zone are:

- (1) The conditional uses common to all residential zones;
- (2) Billboards and general advertising signs.

(Ord. 323 §§ 4650, 4651, 1969)

18.32.050 Space limits.

Space limits in this zone are:

- (1) Minimum lot area: ten thousand square feet for business or industry. Residential structures shall conform to the provisions of the RD 70 zone;
- (2) Minimum width of lot: seventy-five feet for business or industry;
- (3) Maximum height of building: fifty-five feet for business or industry;
- (4) Minimum front yard: one hundred fifty feet from the centerline of the fronting street or highway, provided no building shall be located closer than twenty-five feet from a street or highway right-of-way, except that one identification sign or decorative pylon sign may be placed at a property line or within the required yard space;
- (5) Minimum rear yard: none for business or industry;
- (6) Minimum side yard: none, except that no building shall be located closer than twenty-five feet from any street or highway right-of-way line, except as provided herein;
- (7) Maximum gross floor area ratio: 0.6;
- (8) Maximum ground coverage: forty percent for business or industry.

(Ord. 323 §§ 4670—4677, 1969)

18.32.060 Miscellaneous provisions.

Miscellaneous provisions in this zone are:

- (1) Off-street parking and loading shall be provided for all uses established in this zone.
- (2) Only one building for living purposes shall be permitted on one zoning lot, except as otherwise provided herein.

(Ord. 323 §§ 4690, 4691, 1969)

Chapter 18.34 ML LIGHT MANUFACTURING ZONE

Sections:

18.34.010 Purpose.

This zone provides for a wide range of commercial and industrial uses, all of which shall be able to meet comparatively rigid specifications as to nuisance-free performance. The zone specifically excludes residences on the theory that the mixture of residential use, and the public services and facilities for residences with those for industry is contrary to the purposes of these regulations irrespective of whether the industry is encroaching on a living area or a living area is encroaching on an industrial area.

(Ord. 323 § 6100, 1969)

18.34.020 Principal permitted uses.

Principal permitted uses in this zone are:

- (1) Any use allowed in the BGH zone, except that all dwellings and other types of living accommodations shall be prohibited save that one quarter for a watchman or caretaker shall be permitted as an accessory use for a permitted use occupying more than twenty thousand square feet of lot area;
- (2) Any business, commercial or industrial use which can meet the performance standards set forth for this zone but not specifically excluded or specifically mentioned as belonging in another less restrictive zone;
- (3) Agriculture, including the raising of field crops, horticulture and animal husbandry. Feed lots, poultry farms, fur farms and kennels shall be allowed when such activities shall meet the performance standards set forth for this zone;
- (4) Storage units, including storage inside and outside of a building, provided that all exterior storage be fenced with a minimum six-foot-high fence and be screened from view.

(Ord. 772 § 2(c), 2000; Ord. 323 § 6111—6113, 1969)

18.34.030 Specifically excluded uses.

The following uses are declared incompatible with the purpose of the ML zone and are expressly excluded:

- (1) Dwelling except caretaker and watchmen's quarters as set forth herein;
- (2) Public, parochial and private schools and colleges, except trade schools;
- (3) Hospitals, clinics, rest homes and other institutions for the housing or care of human beings;
- (4) Motels, hotels and mobile home parks;
- (5) Any use not enumerated as permitted in this zone but which is specifically provided for in another zone or zones.

(Ord. 323 § 6121, 1969)

18.34.040 Permitted accessory uses.

Permitted accessory uses in this zone are: Any accessory use normally appurtenant to a permitted use shall be allowed provided such use shall conform with all performance standards set forth for this zone.

(Ord. 323 § 6131, 1969)

18.34.050 Conditional uses.

Conditional uses in this zone are:

- (1) Recreational uses which are temporary in nature and do not involve any appreciable amount of fixed construction and which will not interfere with the efficient functioning of the zone for its primary purpose of providing for manufacturing and heavy commercial establishments, may be allowed only upon appeal to the board of adjustment;
- (2) Billboards and general advertising signs;
- (3) Restaurants and eating establishments, provided, however, that no such establishment shall be operated as a restaurant or eating place in which more than half of the gross receipts are derived from the sale of beer or other intoxicating beverages.

(Ord. 834 § 2, 2006; Ord. 323 §§ 6151, 6152, 1969)

18.34.060 Performance standards.

Performance standards in this zone are:

- (1) Physical Appearance. All operation shall be carried on within an enclosed building except that new materials or equipment in operable condition may be stored in the open. Normal daily wastes of an inorganic nature may be stored in containers not in a building when such containers are not readily visible from a street. The provisions of this paragraph shall not be construed to prohibit the display of merchandise or vehicles for sale or the storage of vehicles, boats, farm machinery, trailers, mobile homes or similar equipment when in operable condition.
- (2) Fire Hazard. No operation shall involve the use of highly flammable gases, acid, liquors, grinding processes or other inherent fire hazards. This provision shall not be construed to prohibit the use of normal heating fuels, motor fuels and welding gases when handled in accordance with other ordinances of the city.
- (3) Noise. No operation shall be carried on which involves noise in excess of the normal traffic noise of the adjacent street at the time of the daily peak hour of traffic volume. Noise shall be measured at the property line and when the level of such noise cannot be determined by observation with the natural senses, a suitable instrument may be used and measurement may include breakdown into a reasonable number of frequency ranges. All noise shall be muffled so as to not be objectionable due to intermittence, beat frequency or shrillness.
- (4) Sewage and Liquid Wastes. No operation shall be carried on which involves the discharge into a sewer, water course or the ground of liquid wastes of any radioactive nature, or liquid wastes of a chemical nature which are detrimental to normal sewage plant operation or corrosive and damaging to sewer pipes and installations.
- (5) Air Contaminants.

- (A) Air contaminants and smoke shall be less dark than designated Number One of the Ringleman Chart as published by the United States Bureau of Mines, except that smoke of a density designated as Number One shall be permitted for one four-minute period in each one-half hour. Light-colored contaminants of such an opacity as to obscure an observers view to a degree equal to or greater than the aforesaid shall not be permitted.
 - (B) Particulate matter of dust as measured at the point of emission by an generally accepted method shall not be emitted in excess of two-tenths grains per cubic foot as corrected to a temperature of five hundred degrees Fahrenheit, except for a period of four minutes in any one-half hour, at which time it may equal but not exceed six tenths grains per cubic foot as corrected to a temperature of five hundred degrees Fahrenheit.
 - (C) Due to the fact that the possibilities of air contaminants cannot reasonably be comprehensively covered in this section there shall be applied the general rule that there shall not be discharged from any sources whatsoever such quantities of air contaminants or other material in such quantity as to cause injury, detriment, nuisance or annoyance to any considerable number of persons or to the public in general or to endanger the comfort, repose, health or safety of any such considerable number of persons or to the public in general or to cause or have a natural tendency to cause injury or damage to business, vegetation or property.
- (6) Odor. The emissions of odors that are generally agreed to be obnoxious to any considerable number of persons, shall be prohibited. Observations of odor shall be made at the property line of the establishment causing the odor. As a guide to classification of odor it shall be deemed that strong odors of putrefaction and fermentation tend to be obnoxious and that such odors as associated with baking or the roasting of nuts and coffee shall not be normally be considered obnoxious within the meaning of this title.
 - (7) Gases. The gases sulphur dioxide and hydrogen sulphide shall not exceed five parts per million, carbon monoxide shall not exceed five parts per million. All measurements shall be taken at the zoning lot line.
 - (8) Vibration. All machines including punch presses and stamping machines shall be so mounted as to minimize vibration and in no case shall such vibration exceed a displacement of three thousands of an inch measured at the zoning lot line. The use of steam or broad hammers shall not be permitted in this zone.
 - (9) Glare and Heat. All glare, such as welding arcs and open furnaces shall be shielded so that they shall not be visible from the zoning lot line. No heat from furnaces or processing equipment shall be sensed at the zoning; lot line to the extent of raising the temperature of air or materials more than five degrees Fahrenheit.

(Ord. 323 §§ 6161—6169, 1969)

18.34.070 Space limits.

Space limits in this zone are:

- (1) Minimum lot area for business or industry: ten thousand square feet;
- (2) Minimum width of lot: fifty feet;
- (3) Maximum height of building: no restriction except as limited by gross floor area ratio and by any restrictions which may be imposed by virtue of aircraft approach and turning zone height restrictions;
- (4) Minimum front yard: twenty feet;

- (5) Minimum rear yard: none;
- (6) Minimum side yard: none;
- (7) Minimum side yard on street side of corner: ten feet;
- (8) Maximum gross floor area ratio: 1.0;
- (9) Maximum ground coverage: seventy-five percent.

(Ord. 323 §§ 6171—6179, 1969)

18.34.080 Miscellaneous provisions.

Miscellaneous provisions in this zone are:

- (1) Off-street parking and loading shall be provided for all uses established in this zone;
- (2) Within the ML zone, more than one building may be located on a single zoning lot, provided the general classification of use shall be the same for all buildings on a single zoning lot, all buildings located on a single zoning lot shall be in the same ownership, and all space limits shall be met.

(Ord. 524 § 2 (part),1982; Ord. 323 §§ 6191, 6192, 1969)

Chapter 18.36 MH HEAVY MANUFACTURING ZONE

Sections:

18.36.010 Purpose.

This zone provides for the widest range of industrial operations permitted in the city. It is the zone for location of those industries which have not reached a technical stage in processing which renders them of nuisance free manner.

(Ord. 323 § 6300, 1969)

18.36.020 Principal permitted uses.

- (a) Principal permitted uses in this zone are: any use permitted in the ML zone and any use which can meet the performance standards for this zone, except as herein modified.
- (b) The following uses shall be allowed only in this zone:
 - (1) Trucking terminals containing in excess of four loading or transfer bays;
 - (2) The storage above ground of liquid petroleum products or chemicals of a flammable or noxious nature when more than one hundred fifty thousand gallons are stored on one zoning lot of less than one acre in size or when more than twenty-five thousand gallons are stored in one tank;
 - (3) The storage of flammable or noxious gases above or below ground in excess of five million cubic feet on any one zoning lot of less than one acre or two million cubic feet in any one tank;
 - (4) Meat packing, slaughtering, evisceration and skinning;
 - (5) Poultry killing, plucking and dressing when such operations are of such size as to employ in excess of three persons;

- (6) Yards for the sale, transfer and temporary holding of livestock;
- (7) Rendering of by-products of slaughtering and killing of animals and poultry;
- (8) Junk yards, auto parts salvage and auto wrecking yards when such operations are obscured from any street or from any adjacent property in another zone by a sturdy, sight-obscuring fence in good repair, and under the condition that any burning operations be carried on in any enclosed structure provided with such super-heating devices to assure complete combustion as may be approved by the building inspector.

(Ord. 323 §§ 6311—6319, 1969)

18.36.030 Specifically excluded uses.

The following uses are declared incompatible with the purpose of the MH zone and are expressly excluded:

- (1) Any use which cannot meet the performance standards set forth herein;
- (2) Dwellings except caretaker and watchman's quarters as set forth in the provisions of the ML zone;
- (3) Schools and colleges, except trade schools;
- (4) Hospitals, clinics, rest homes and other institutions for the housing or care of human beings, except that medical facilities accessory to any industrial operation shall be permitted;
- (5) Motels, hotels and mobile home parks.

(Ord. 323 § 6321, 1969)

18.36.040 Permitted accessory uses.

Permitted accessory uses in this zone are: Any accessory use normally appurtenant to a permitted use shall be allowed provided such use shall conform with all performance standards set forth for this zone.

(Ord. 323 § 6331, 1969)

18.36.050 Conditional uses.

Conditional uses in this zone are:

- (1) Recreational uses which are temporary in nature and do not involve any appreciable amount of fixed construction and which will not interfere with the efficient functioning of the zone for its primary purpose of providing for manufacturing and heavy commercial establishments, may be allowed only upon appeal to the board of adjustment;
- (2) Billboards and general advertising signs.

(Ord. 323 §§ 6351, 6352, 1969)

18.36.060 Performance standards.

Performance standards in this zone are:

- (1) Appearance. Junk, salvage, auto wrecking and similar operations shall be shielded from view from streets and from adjacent properties in another zone by means of a sturdy, sight-obscuring fence in good repair.

- (2) Fire Hazard. All flammable substances involved in any activity established in this zone shall be handled in conformance with the standards of the National Board of Fire Underwriters and any additional regulations of the city.
- (3) Noise. All noises and noise-causing activities shall be muffled so that they will not create a disturbance greater than the normal peak hour traffic noise of a major street when observed from any area zoned residential. Major street noise for comparison purposes shall be measured of the primary state highway nearest the industry.
- (4) Sewage and Liquid Wastes. No operation shall be carried on which involves the discharge into a sewer, watercourse or the ground of liquid wastes of any radioactive nature, or liquid waste of a chemical nature which are detrimental to normal sewage plant operation or corrosive and damaging to sewer pipes and installations.
- (5) Air Contaminants.
 - (A) Air contaminants and smoke shall be less dark than designated Number Two on the Ringleman Chart as published by the United States Bureau of Mines, except that smoke of a density designated as Number Two shall be permitted for one four-minute period in each one-half hour. Light-colored contaminants of such opacity as to obscure an observers view to a degree equal to or greater than the aforesaid shall not be permitted.
 - (B) Particulate matter or dust as measured at the point of emission by any generally accepted method shall not be emitted in excess of two-tenths grains per cubic foot as corrected to a temperature of five hundred degrees Fahrenheit.
 - (C) Due to the fact that the possibilities of air contaminations cannot be comprehensively covered in this section there shall be applied the general rule that there shall not be discharged from any source whatsoever such quantities of air contaminants or other materials in such quantity as to cause injury, detriment, nuisance or annoyance to any considerable number of persons or to the public in general or to endanger the comfort, repose, health or safety of any such considerable number of persons or the general public or to cause or have a natural tendency to cause injury or damage to business, vegetation or property.
- (6) Odor. Odor-causing operations shall be controlled so as to reduce escape of odors to the minimum practical within the limits of technology and economics.
- (7) Gases. All noxious gases shall be controlled to the extent that they will not be injurious to life and property. The gases sulfur dioxide and hydrogen sulfide shall not exceed twenty-five parts per million, and nitrous fumes shall not exceed five parts per million. All measurements shall be made at the zoning lot line.
- (8) Vibration. All machines including punch presses and stamping machines shall be mounted so as to minimize vibration. Vibration shall not be so excessive that it interferes with industrial operations on nearby zoning lots.

(Ord. 323 §§ 6361—6368, 1969)

18.36.070 Space limits.

Space limits in this zone are:

- (1) Minimum lot area for business or industry: ten thousand square feet;
- (2) Minimum width of lot: fifty feet;

- (3) Maximum building height: no restrictions except as limited by gross floor area ratio and by restrictions which may be imposed by virtue of aircraft approach and turning zone height restrictions;
- (4) Minimum front yard: twenty feet;
- (5) Minimum rear yard: none;
- (6) Minimum side yard: none;
- (7) Minimum side yard on street side of corner: ten feet;
- (8) Maximum floor area ratio: 1.0;
- (9) Maximum ground coverage: fifty percent.

(Ord. 323 §§ 6371—6379, 1969)

18.36.080 Miscellaneous provisions.

Miscellaneous provisions in this zone are:

- (1) Off-street parking and loading shall be provided for all uses established in this zone.
- (2) Within the MH zone, more than one building may be located on a single lot, provided the general classification of use shall be the same for all buildings on a single zoning lot, all buildings located on a single zoning lot shall be in the same ownership, and all space limits shall be met.

(Ord. 323 §§ 6391, 6392, 1969)

Chapter 18.38 -M -MODIFIED RESIDENTIAL ZONE

Sections:

18.38.010 Purpose.

This zone is designed to provide for the inclusion of mobile home parks as an additional use in several zones at locations which are suitable for mobile dwellings.

(Ord. 323 § 6400, 1969)

18.38.020 Principal permitted uses.

Principal permitted uses in this zone are:

- (1) Any principal permitted use in the primary zone to which the -M -modified residential zone classification is appended when established according to the rules and conditions of the primary zone;
- (2) Parks authorized and licensed by the city for the parking and occupancy of mobile dwellings.

(Ord. 323 §§ 6410, 6411, 1969)

18.38.030 Permitted accessory uses.

Permitted accessory uses in this zone are:

- (1) Any permitted accessory use allowed in the primary zone to which the -M -modified residential zone classification is appended when established according to the rules and conditions of the primary zone;

- (2) Those accessory uses other than those permitted by the primary zone regulations, but which are or may in the future, be required for inclusion in mobile home parks by other ordinances of the city.

(Ord. 323 §§ 6430, 6431, 1969)

18.38.040 Conditional uses.

Conditional uses in this zone are: any conditional use permitted in the primary zone to which the -M -modified residential zone classification is appended when established according to the rules and conditions of the primary zone.

(Ord. 323 § 6440, 1969)

18.38.050 Space limits.

Space limits in this zone are:

All space limit provisions of the primary zone to which the -M -modified residential zone classification is appended shall be adhered to except that mobile homes may be parked in compliance with minimum standards of other ordinances of the city.

(Ord. 323 § 6470, 1969)

18.38.060 Procedure.

The -M -modified residential zone shall be considered as a separate and distinct zoning classification and shall be appended to a primary zone in the same manner in which zoning map changes are made under the provision of the statutes of the state and of this title, and shall modify the regulations applying to the specific sites or zoning lots upon which the -M -modified residential zone is designated.

(Ord. 323 § 6480, 1969)

18.38.070 Miscellaneous provisions.

Miscellaneous provisions in this zone are:

- (1) Off-street parking shall be provided for all uses established in this zone;
- (2) The entire mobile home park shall be treated as one zoning lot, except that when uses other than those normally included or required by ordinance within a mobile home park are established within the boundaries of a mobile home park then a separate zoning lot shall be designated for said other uses.

(Ord. 323 §§ 6490, 6491, 1969)

Chapter 18.40 USES COMMON TO ALL RESIDENTIAL ZONES

Sections:

18.40.010 Generally.

- (a) There are certain uses which are considered acceptable when found in any residential zone when developed according to space limits proper for a particular zone.

- (b) The following uses are permitted in all residential zones subject to further restrictions or liberalizations which are imposed by a specific zone.

(Ord. 323 §§ 2000, 2001, 1969)

18.40.020 Principal permitted uses.

Principal permitted uses in this zone are:

- (1) Off-street parking shall be provided for all uses established in the residential zones;
- (2) Only one building for living purposes shall be permitted on one zoning lot, except as otherwise provided herein;
- (3) Single-family detached dwellings;
- (4) Public, parochial and private schools and colleges offering courses of general instruction when located on sites of at least five acres, and including convents, monasteries, dormitories and other related living structures when located on the same set as the school or colleges;
- (5) Churches, synagogues, chapels and similar places of religious worship and instruction of a quiet nature when located in a substantial structure;
- (6) Crop and tree farming but not including the raising of animals or fowl for commercial purposes, or the sale of any products at retail on the premises;
- (7) Parks and recreation areas operated by the city or other political subdivision;
- (8) Public and quasi-public buildings for cultural use;
- (9) Country clubs as defined herein.

(Ord. 323 §§ 2005—2013, 1969)

18.40.030 Permitted accessory uses.

The following accessory uses are permitted in all residential zones subject to further restrictions or liberalizations which are imposed by a specific zone:

- (1) Private garages and private parking areas.
- (2) Private swimming pools exclusively for the use of residents of the premises and their non-paying guests and subject to any other regulations or ordinances of the city.
- (3) The storage of one unoccupied trailer or self-propelled camper designed for recreational use for periods in excess of thirty days shall be permitted, but only within a building or outside a building no closer than twenty feet to the front lot line. Nothing contained herein shall serve to prohibit the intermittent parking of a trailer or self-propelled camper off street during the season of use, nor to limit the parking of a pickup truck or van containing camper facilities, but used primarily as a motor vehicle.
- (4) The storage of one pleasure boat or a trailer for periods in excess of thirty days is permitted, but only within a building or outside a building no closer than twenty feet to the front lot line. Nothing contained herein shall serve to prohibit the intermittent parking of a boat and trailer off street during the season of use.

- (5) Signs not to exceed six square feet in area identifying the premises and occupant, but not including advertising matter. Public, parochial, private schools and colleges, children's homes, churches, synagogues, chapels and public and quasi-public buildings for cultural use, may have identification signs not to exceed fifty square feet in area.
- (6) Real estate lease or sales signs not over six square feet in area and relating to the property on which the sign is located.
- (7) Subdivision signs in subdivisions recorded after passage of the ordinance codified in this title which are nonilluminated and which contain information pertaining only to the subdivision, for a period of four years following the filing date or until seventy-five percent of the lots have been sold, whichever occurs first, at which time the sign shall be removed. Subdivision signs shall be subject to the space limits of the zone in which located and shall not be closer than seventy-five feet from property other than public right-of-way owned by other than the developer. The size of the sign shall be not greater than the following:

Sign Size	Number of Lots in Subdivision
40 square feet	3 to 10
64 square feet	11 to 25
80 square feet	26 or more

- (8) Other accessory uses and structures customarily appurtenant to a permitted use;
- (9) Satellite receiving antenna, 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 satellites and other extra-terrestrial sources) and which may be affixed to the ground or other permanent structure or may be a mobile unit on a trailer or vehicle, provided however:
 - (A) No person shall place, erect, construct or install any satellite dish without first obtaining a building permit,
 - (B) The erection and maintenance of satellite receiving antenna shall be in accordance with the following: Shall be mounted on the ground at a height no greater than the peak of the roof of the residence located on the lot on which the antenna is to be located. If there is no residence on the lot in which the antenna is to be located, the height shall be controlled by the residence on the lot nearest to the lot on which the antenna will be placed. In no event shall the height be greater than fifteen feet. The height of the antenna shall be measured vertically from the highest point of the signal-receiving apparatus, when positioned for operation, to the bottom of the base which supports the antenna,
 - (C) No such antenna shall be mounted, located or placed permanently or temporarily in any front yard or the portion of the side yard that is adjacent to the principal structure on the lot, and no part of the antenna shall at any time be within two feet of the lot lines in the remaining side yard and rear yards,
 - (D) No antenna shall be greater than twelve feet in diameter,
 - (E) Antennas mounted on trailers or vehicles may be allowed for a period not to exceed fifteen days. All others shall be permanently placed,
 - (F) Notwithstanding the provisions of this section, such antenna may be mounted to a residential dwelling so long as any and all structural requirements of the current adopted addition of the Uniform Building Code are adhered to and followed. However, the top of the building-mounted

antenna shall not be higher than the peak of the roof of such building, and the antenna shall not be located on the side or front of the residence.

(Ord. 554 § 2, 1985; Ord. 524 § 1(i), (j) (k), 1982; Ord. 323 §§ 2030—2039, 1969)

18.40.040 Conditional uses.

The following uses are conditionally permitted in all residential zones:

- (1) Utility substations when located according to the yard space rules set forth for dwellings and having a landscaped or masonry barrier on all sides, and after a showing before the board that technical considerations necessary to the functioning of said utility requires the location of the facility in a residential zone. Structures shall conform with all space limits of the zone in which located and shall have an exterior design in harmony with nearby properties.
- (2) Railroad through and spur tracks, but no sidings or other terminal type facilities and no service, repairs or administrative facilities, and after a showing before the board that such facilities are necessary in the location proposed.

(Ord. 323 §§ 2050—2052, 1969)

18.40.050 Prohibited uses.

Prohibited uses in this zone are: The outdoor storage or disposal of non-operating appliances, furniture, new or used building materials, building fixtures, inoperable vehicles, machinery, felled tree branches, or other junk or debris shall be prohibited in all residential zones, unless said storage or disposal is so fenced or screened as to be fully obscured from public view. Nothing contained herein shall serve to prohibit the occasional maintenance or repair of a single motor vehicle by its owner.

(Ord. 524 § 1(bb), 1982; Ord. 323 § 2053, 1969)

18.40.060 Space limits.

Space limits in this zone are: When two or more lots in any block are occupied by buildings which existed on the effective date of the ordinance codified in this title, the average front yard depth of such lots shall be the established building line, provided it be equal to or greater than the minimum front yard required for the respective residential zone, but no lot shall be required to have a front yard depth greater than that shown in the respective zones below.

	Maximum Front Yard Required
RS-84	50
RS-70	50
RG-20	40

(Ord. 323 § 2060, 1969)

18.40.070 Attached dwellings in residential zones—Building permit.

- (a) For the purposes of this title, one-family attached dwellings shall be considered the same as dwelling units which are part of two-family dwellings and multifamily dwellings. One-family attached dwellings shall be permitted in any zone in which two-family dwellings or multifamily dwellings are allowed, provided the total number of dwelling units per structure does not exceed the number per structure allowed in the zone. For

one-family attached dwellings, minimum lot area, lot width, side yard width, front yard depth, and rear yard depth requirements shall not apply to individual attached dwelling units; provided, any structure containing two or more one-family attached dwellings shall comply with the minimum lot area, lot width, side yard width, front yard depth and rear yard depth requirements, as a whole, as if the structure and individual lots were a two-family or multifamily dwelling on a single lot.

- (b) A building permit for single-family attached dwellings shall only be issued when separate and individual public utility services are provided to each dwelling unit, or in lieu thereof, when a homeowner's association or other legal entity shall have been established with sufficient covenants running with the land to ensure adequate maintenance and responsibility for the privately owned utility connections.

(Ord. 524 § 1(1), (m), 1982; Ord. 323 §§ 2070, 2071, 1969)

Chapter 18.42 EXCEPTIONS AND ENCROACHMENTS

Sections:

18.42.010 Height exceptions—General rule.

Any structure hereafter erected or altered shall comply with the height limitations of the zone in which it is located except as specified below. However, no exception listed below shall exceed the height restrictions of an aircraft approach and turning zone.

(Ord. No. 323, § 1710, 1969)

18.42.020 Height exceptions—Appurtenances.

The following appurtenances may exceed the prescribed height limit except when they would violate the height restrictions of an aircraft approach and turning zone, provided they are normally required for a use permitted in the zone in which they are erected or constructed; flagpoles, chimneys, cooling towers, elevator bulkheads, belfries, penthouses for other than living purposes, grain elevators, stacks, silos, storage towers, observation towers, ornamental towers, monuments, cupolas, domes, spires, standpipes and other necessary mechanical appurtenances and their protective housing; provided, however, that any of the above except flagpoles and chimneys when located in any zone with a height limit of forty feet or less, shall be allowed only upon finding of the board of adjustment that such appurtenances will not be unduly detrimental to the surrounding property.

(Ord. No. 323, § 1720, 1969)

18.42.030 Height exceptions—Electronics towers.

Radio, television, microwave and other electronic transmission or receiving towers in excess of height limits may be allowed in any zone as a conditional use upon a finding by the board of adjustment that topographic or other physical considerations make it necessary that they be located outside a zone where they are permitted as a matter of right and that the proposed tower or towers will not be unduly detrimental to surrounding property. Exceptions to height restrictions shall not be granted in cases where they would violate height restrictions of an aircraft approach and turning zone.

(Ord. No. 323, § 1730, 1969)

18.42.040 Height exceptions—Public and semi-public buildings.

Public and semi-public buildings and structures such as hospitals, churches, sanitariums, schools and water reservoir towers may exceed the height limits of the zone in which they are located; provided, that such buildings and structures shall provide at least one additional foot of yard space on each side for each additional foot that such building or structure exceeds the specified height limit of the zone in which it is located; and further provided, that a finding is made by the board of adjustment that such additional height will not be materially detrimental to surrounding property.

(Ord. No. 323, § 1740, 1969)

18.42.050 Yard space—General rule.

Any building, structure or use hereafter erected, altered or established shall comply with the yard space requirements of the zone in which it is located except as specified below. The required yard space for any building, structure, or use shall be contained on the same zoning lot as the building, structure or use and such required yard space shall fall entirely upon land in a zone or zones in which the principal use is permitted. Any required yard space shall be open from thirty inches above the ground to the sky except as specified herein.

(Ord. No. 323, § 1750, 1969)

18.42.060 Yard space encroachments—Eaves.

Eaves, cornices and similar features may extend one foot into a required yard space except that eaves may encroach three feet into a yard space when such yard space is ten feet or more in width.

(Ord. No. 323, § 1760, 1969)

18.42.070 Yard space encroachments—Chimneys.

Chimneys when not more than four feet wide may extend one foot into any required yard space. Chimneys including those in excess of four feet wide may extend two feet into any yard space when such yard is ten feet or more in width, but shall not encroach upon a yard space of lesser width.

(Ord. No. 323, § 1770, 1969)

18.42.080 Yard space encroachments—Porches and terraces.

Open, uncovered porches or terraces no higher than the first floor above grade on the side of the building to which they are appurtenant and in no event higher than thirty inches above grade of the lot on the side of the building where such porch or terrace is located, may extend into any required yard. No railing or other barrier higher than thirty-six inches shall be placed around such porch or terrace and no such barrier which interferes appreciably with the passage of light or air shall be within five feet of any property line, except as otherwise provided in this title. Any such porch or terrace when located on a lot at the intersection of two streets or a street and an alley shall comply with the provisions designed to insure proper sight distances as set forth in this title for fences and hedges. Any side yard on a corner lot when such yard is twenty feet or more in width may be considered as a front yard for the purposes of determining permitted encroachments.

(Ord. No. 323, § 1780, 1969)

18.42.090 Yard space encroachments—Rear yard.

Accessory buildings or structures shall be permitted to occupy a required yard with the following restrictions:

- (1) No such accessory structure or building shall be greater than eighteen feet in height.
- (2) An accessory structure or building shall only be constructed or placed on a residential lot to the rear half of the principal building on the lot.
- (3) An accessory structure or building used as a garage in which vehicles exit directly toward an alley right of way shall be placed no closer than twenty feet from the alley right of way.
- (4) An accessory structure or building shall not occupy more than forty percent of the rear half of any residential lot and shall not exceed one thousand eight square feet, except on lots of one-half acre or more in size, on which an accessory structure or building of no more than two thousand square feet shall be allowed; provided that any accessory structure or building greater than one thousand eight square feet shall be located a minimum of thirty feet from the side or rear property line and a minimum of fifty feet from any existing residential structure.
- (5) An accessory structure or building of one hundred twenty square feet or larger shall be built and designed in harmony with the principle structure and surrounding structures in the residential neighborhood.
- (6) No accessory structure or building shall be built or placed on the front half of a residential lot.
- (7) Freestanding or attached portable shelters or carports consisting of a fabric covering stretched or attached to poles or framing used as a carport or a shelter structure shall be prohibited in conjunction with a residential lot use.
- (8) Accessory structures or buildings shall not be built or placed on any residential lot prior to the principal structure or building being occupiable.
- (9) Accessory structures or buildings shall be built or placed on a vacant residential lot only if owned by the same owner of an adjoining lot with an occupied residential structure.

(Ord. No. 323, § 1790, 1969; Ord. No. 905, § 2, 12-5-2016)

18.42.100 Yard space encroachments—Canopies.

Canopies and overhangs on any side of a business building may extend four feet into a required yard space. Signs mounted on the face of any such canopy or overhang shall not exceed eight inches in height in any zone in which flat wall signs are specified. Canopies and awnings on a residential building may extend four feet into any required side yard or seven feet into any required front or rear yard when they are attached to and supported entirely by or from a wall of the building.

(Ord. No. 323, § 1800, 1969)

18.42.110 Yard space exception—Steepslopes.

Automobile storage garages may be allowed within a required front or side yard when such garage will be entirely below the grade of the lot and after a finding by the board of adjustment that topographic conditions make such a location necessary, that such orientation will not create a hazard to automobile or pedestrian traffic in the street, and that such orientation will be in harmony with the character of development of the neighborhood.

(Ord. No. 323, § 1810, 1969)

18.42.120 Lot area exception—Existing platting.

- (a) A single-family dwelling may be built on any platted lot of record containing seventy-five percent of the required lot area for the district in which the lot is located if said lot was in separate ownership and separate control at the effective date of the ordinance codified in this title, provided the front, side and rear yard requirements for the district in which the lot is located are met and provided dwellings are permitted in the district in which the lot of record is located. It is not the intention of this exception to allow building as a matter of right on a platted parcel which was never intended as a building site, but rather was numbered on a plat for identification purposes under a scheme in which multiple lots were intended to provide one building site.
- (b) 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 ordinance codified in this title, and if all or part of the lots do not meet the requirements established for lot width and area, the lands involved shall be considered to be an undivided parcel for the purposes of the ordinance codified in this title, and no portion of said parcel shall be used or sold in a manner which diminishes compliance with lot width and area requirements established by the ordinance codified in this title, nor shall any division of any parcel be made which creates a lot with width or area below the requirements stated in this title.

(Ord. 323 §§ 1820, 1821, 1969)

18.42.130 Fences and hedges—Corner visibility.

Except in zones allowing the construction of buildings or structures to the property line, there shall be provided an unobstructed view across the triangle formed by joining points measured twenty feet distant along the property line from the intersection of two streets or fifteen feet along both the street and alleyline from the intersection of a street and an alley. Within said triangle there shall be no sight-obscuring or partly-obscuring wall, fence or foliage higher than thirty inches above grade or in the case of trees, foliage lower than five feet. Vertical measurement shall be made at the top of the curb on the street or alley adjacent to the nearest side of the triangle or if no curb exists, from the edge of the nearest traveled way.

(Ord. 323 § 1830, 1969)

18.42.140 Fences and hedges—Other than corner.

On portions of a lot not covered by street or alley intersection restrictions the height of fences of any length, and foliage continuous for five feet or more, shall be limited to forty-two inches on any street line and the front fifty feet of any side line. On all other portions of lot lines, fences, hedges and continuous foliage barriers may not exceed a height of eighty inches.

(Ord. 323 § 1840, 1969)

18.42.150 Fences and hedges—Within building lines.

Fences and hedges erected within a portion of a zoning lot on which a principal building, but not an accessory building, may be erected may conform with height limits of buildings which may be erected on such lot, but shall be subject to any building code provisions which may be applicable.

(Ord. 323 § 1850, 1969)

18.42.160 Fences and hedges—Measurement rule.

Heights of fences, hedges and other continuous foliage shall be measured from the adjacent top of the street curb, surface of an alley or the official established grade thereof, whichever is the higher. On inside lot lines the measurement shall be from the average grade thereof, whichever is the higher. On inside lot lines the measurement shall be from the average grade of the lot line of the parcel or property having the lower elevation.

(Ord. 323 § 1860, 1969)

18.42.170 Fences and hedges—Exception—Board of adjustment.

The board of adjustment may approve, or may direct as a condition for granting an appeal, that fences or plantings of a height in excess of these regulations be placed as shieldings between different uses, or between like uses upon agreement between the parties affected thereby, provided that no such approval shall have the effect of reducing corner visibility as provided for herein.

(Ord. 323 § 1870, 1969)

18.42.180 Open uses in undeveloped areas.

It is recognized that there may be extensive areas of undeveloped land within the city upon which the planned type of development will not take place for a considerable time. It is therefore reasonable and proper that interim uses not in conformity with the land use plan be allowed.

(Ord. 323 § 1880, 1969)

18.42.190 Standards.

The board of adjustment is authorized to grant special use permits for property within the AG agricultural zone allowing for uses not allowed as a matter of right in said zone under the following conditions:

- (1) The proposed use shall be open land type of use and shall not involve the erection of permanent buildings or other permanent improvements and shall be located in an undeveloped area of the city; provided, however, that permanent buildings shall be allowed which conform with the zoning in force upon the parcel.
- (2) The proposed use and placement thereof upon the land shall be such that it shall not be unsightly to the general public nor interfere with the enjoyment or use of neighboring properties.
- (3) All permanent structures shall comply with all provisions of the zone in which the proposed use is located.
- (4) All temporary uses and structures shall comply with all provisions of the zone in which the proposed use is located except that the list of permitted uses may be modified by special use permit.
- (5) The board of adjustment may append reasonable conditions to any special use permit to the end that the objectives of this title may be upheld.

(Ord. 323 § 1882, 1969)

18.42.200 Procedure.

- (a) Before issuing any special use permit, the board shall hold a public hearing and shall give notice thereof to all property owners within two hundred feet and to the commission and council.

- (b) Before approving any special use permit the board shall request and receive the favorable recommendation of the commission. The building inspector shall enforce compliance with the terms of the special use permit and shall initiate action for renewal or cessation of the activity at the expiration of the special use permit.
- (c) No special use permit shall be issued for a period to exceed two years; provided, however, that such special use permit may be renewed for additional periods not to exceed two years each, after a notice and public hearing and a finding that conditions have not changed sufficiently to warrant denial of such a renewal.
- (d) No property owner or owner of other interest in the land shall have a vested right in the renewal of any special use permit.

(Ord. 323 § 1883, 1969)

Chapter 18.44 SIGNS

Sections:

18.44.010 Generally.

The following provisions shall be zoning districts.

(Ord. 323 §§ 6900, 6901, 1969)

18.44.020 Not to simulate city or state signs.

No advertisement, advertising structure, billboard or other object shall be erected, used or maintained which in any way simulates official, directional or warning signs erected or maintained by the city or by the state.

(Ord. 323 §§ 6900, 6901, 1969)

18.44.030 Not to obstruct vision at intersection.

No sign or advertising device shall be erected or maintained at the intersection of streets in such a manner as to obstruct free and clear vision of the intersection.

(Ord. 323 § 6902, 1969)

18.44.040 Not to diminish safety or warning device.

No neon sign or other illuminated advertisement shall be of such color or located in such a fashion as to diminish or detract in any way from the effectiveness of any traffic signal or similar safety or warning device. Bright flashing lights used for advertising purposes shall be prohibited.

(Ord. 553 § 1(a), 1985; Ord. 323 § 6903, 1969)

18.44.050 Floodlights regulated.

Floodlights at ground level or located within twelve feet of ground level shall be so located and shielded as to prevent any glare or blinding effect upon any lane of moving traffic.

(Ord. 323 § 6904, 1969)

18.44.060 Area—Projecting signs.

- (a) For each business establishment located in the BGC zone, any sign which is flush with or parallel with the building, and not projecting more than eighteen inches shall not exceed two hundred square feet in area. Signs connected to the building, or connected to the canopy of the building shall not exceed a projected distance of more than eight feet from the face of the building and shall be a minimum of ten feet above the sidewalk or established sidewalk grade. Said projecting sign shall not exceed twenty-four square feet in area regardless of the content of the advertising, or the materials used in constructing the sign.
- (b) For each business establishment located in the BGH, HSB and ML zone, any sign which is flush with or parallel with the building, and not projecting more than eighteen inches shall not exceed two hundred square feet in or no more than two and one-half square feet for every lineal foot of building frontage displaying such sign. No flush-mounted sign shall extend above the parapet wall or roof line. Signs connected to the building, or connected to the canopy of the building shall not exceed a projected distance of more than eight feet from the face of the building and shall be a minimum of ten feet above the sidewalk or established sidewalk grade. Said projecting sign shall not exceed twenty-four square feet in area regardless of the content of the advertising, or the materials used in constructing the sign.

(Ord. 553 § 1(b), (c), 1985; Ord. 323 §§ 6905, 6905.1, 1969)

18.44.070 Area—Independent signs.

- (a) For each business establishment located in the BGC zone, any sign which is separate, independent and not an integral part of the building, shall not exceed one hundred square feet in area and shall be a minimum of ten feet above the sidewalk or established sidewalk grade.
- (b) For each business establishment located in the BGH, HSB or ML zone, any sign which is separate, independent and not an integral part of the building, shall not exceed one hundred fifty square feet in area and shall be a minimum of ten feet above the sidewalk or established sidewalk grade.
- (c) In the HSB, and MH zones, signs that are part of, or attached to the business establishment shall not exceed twenty-four square feet in area. Any sign which is separate, independent and not an integral part of the building for the expressed purpose of identifying the company trademark or logo type, shall not exceed two hundred square feet in area, all other advertising signs attached to or detached from the structure shall not exceed twenty-four square feet in area. One logo type or trademark identification sign two hundred square feet in area shall be permitted on one zoning lot.

(Ord. 579 § 2, 1987; Ord. 323 §§ 6906—6907, 1969)

18.44.080 Billboards.

Billboards are permitted as a conditional use in the AG, BGH, HSB, ML and MH zones.

(Ord. 323 § 6908, 1969)

Chapter 18.46 NONCONFORMITIES

Sections:

18.46.010 Intent.

Within the districts established by this title or amendments that may later be adopted there exist:

- (1) Lots;
- (2) Structures;
- (3) Uses of land and structures; and
- (4) Characteristics of use.

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

(Ord. 323 § 7101, 1969)

18.46.020 Generally.

Nonconforming uses are declared by this title to be incompatible with permitted uses in the districts involved. A nonconforming use of a structure, a nonconforming use of land or a nonconforming use of structure and land in combination shall not be extended or enlarged after passage of the ordinance codified in this title 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.

(Ord. 323 § 7102, 1969)

18.46.030 Existing nonconformities.

- (a) **Plans, Construction or Designated Use.** To avoid undue hardship, nothing in this title 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 ordinance codified in this title and upon which actual building construction has been carried on diligently. Actual construction is defined to include the placing of construction materials in permanent position and fastened in a permanent manner. Where excavation or demolition or removal of an existing building has been substantially begun preparatory to rebuilding, such excavation or demolition or removal shall be deemed to be actual construction; provided, that work shall be carried on diligently.
- (b) **Nonconforming Uses of Land (or Land with Minor Structures Only).** Where at the time of passage of the ordinance codified in this title lawful use of land exists which would not be permitted by the regulations imposed by this title, and where such use involves no individual structure with a replacement cost exceeding one thousand dollars, the use may be continued so long as it remains otherwise lawful, provided:
 - (1) No such nonconforming use shall be enlarged or increased, not extended to occupy a greater area of land than was occupied at the effective date of adoption or amendment of the ordinance codified in this chapter.
 - (2) No such nonconforming use shall be moved in whole or in part to any portion of the lot or parcel other than that occupied by such use at the effective date of adoption or amendment of the ordinance codified in this title.
 - (3) If any such nonconforming use of land ceases for any reason for a period of more than thirty days, any subsequent use of such land shall conform to the regulations specified by this title for the district in which such land is located.

- (4) No additional structure not conforming to the requirements of this title shall be erected in connection with such nonconforming use of land.
- (c) Nonconforming Structures. Where a lawful structure exists at the effective date of adoption or amendment of the ordinance codified in this title that could not be built under the terms of this title by reason of restrictions on area, lot coverage, height, yards, its location on the lot, or other requirements concerning the structure, such structure may be continued so long as it remains otherwise lawful, subject to the following provisions:
- (1) No such nonconforming structure may be enlarged or altered in a way which increases its nonconformity, but any structure or portion thereof may be altered to decrease its nonconformity.
 - (2) Should such nonconforming structure or nonconforming portion of structure be destroyed by any means to an extent of more than fifty percent of its replacement cost at time of destruction, it shall not be reconstructed except in conformity with the provisions of this title.
 - (3) Should such structure be moved for any reason for any distance whatever, it shall thereafter conform to the regulations for the district in which it is located after it is moved.
- (d) Nonconforming Uses of Structures or of Structures and Premises in Combination. If lawful use involving individual structures with a replacement cost of one thousand dollars or more, or of structure and premises in combination, exists at the effective date of adoption or amendment of this title, that would not be allowed in the district under the terms of this title, the lawful use may be continued so long as it remains otherwise lawful, subject to the following provisions:
- (1) No existing structure devoted to a use not permitted by this title 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.
 - (2) Any nonconforming use may be extended throughout any parts of a building which were manifestly arranged or designed for such use at the time of adoption or amendment of the ordinance codified in this title, but no such use shall be extended to occupy any land outside such building.
 - (3) If no structural alterations are made, any non-conforming use of a structure, or structure and premises, may as special exception be changed to another nonconforming use, provided, that the board of adjustment, either by general rule or by making findings in the specific case, shall find that the proposed use is equally appropriate or more appropriate to the district than the existing nonconforming use. In permitting such change, the board of adjustment may require appropriate conditions and safeguards in accord with the provisions of this title.
 - (4) Any structure, or structure and land in combination in or on which a nonconforming use is superseded by a permitted use, shall thereafter conform to the regulations for the district, and the nonconforming use may not thereafter be resumed.
 - (5) When a nonconforming use of a structure, or structure and premises in combination, is discontinued or abandoned for six consecutive months (except when government action impedes access to the premises) , the structure, or structure and premises in combination, shall not thereafter be used except in conformity with the regulations of the district in which it is located.
 - (6) Where nonconforming use status applies to a structure and premises in combination, removal or destruction of the structure shall eliminate the nonconforming status of the land. Destruction for the purpose of this subsection is defined as damage to an extent of more than fifty percent (or other figure) of the replacement cost at the time of destruction.

(Ord. 323 § 7103—7106, 1969)

18.46.040 Repairs and maintenance.

- (a) On any nonconforming structure or position of a structure containing a 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 cost of the nonconforming structure or nonconforming portion of the structure as the case may be; provided, that the cubic content existing when it became nonconforming shall not be increased.
- (b) If a nonconforming structure or portion of a structure containing a nonconforming use becomes physically unsafe or unlawful due to lack of repairs and maintenance, and is declared by any duly authorized official to be unsafe or unlawful by reason of physical condition, it shall not thereafter be restored, repaired, or rebuilt except in conformity with the regulations of the district in which it is located.
- (c) Nothing in this title 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.
- (d) Uses Under Conditional Use Provisions Not Non-Conforming Uses. Any use which is permitted as a conditional use in a district under the terms of this title (other than a change through board of adjustment action from a non-conforming use to another use not generally permitted in the district) shall not be deemed a non-conforming use in such district but shall without further action be considered a conforming use.

(Ord. 323 § 7107, 1969)

Chapter 18.48 OFF-STREET PARKING AND LOADING

Sections:

18.48.010 Purpose.

It is the intent of this title that all buildings, structures and uses of land shall provide off-street parking and loading space in an amount sufficient to meet the needs caused by the building or use of land and that such parking and loading spaces be so oriented that they are in fact readily useable for such purpose. Because of the pedestrian orientation of the core of the central business district it is intended that parking be provided at the periphery of the core.

(Ord. 323 § 7200, 1969)

18.48.020 Requirements.

- (a) Each use of land and each building or structure hereafter constructed or established, and each addition to a structure in excess of three hundred square feet, except as herein provided, shall provide off-street parking and loading according to the standards set forth herein. When an addition is made to a building nonconforming as to parking or loading, a conforming amount of parking shall be supplied based upon the size of the addition.
- (b) No addition to an existing building shall be constructed which reduces the number of spaces, area or usability of existing parking or loading space unless such building and its addition, conform with the regulations for parking and loading contained herein. Contractual agreements may be made between uses which generate parking demand at different times in such a manner that the requirements of more than one use may be met by the same space provided the parking demand for each such use involved is in fact met.

(Ord. 323 §§ 7201, 7202, 1969)

18.48.030 Surface.

All off-street parking and loading spaces, access and aisles shall be provided with a dust-free surface.

(Ord. 323 § 7203, 1969)

18.48.040 Uses not listed in this chapter.

Uses listed below shall provide parking and loading in the amounts specified and at locations specified for the group in which such use falls. For any use not listed, the board of adjustment shall determine the proper requirement by classifying the proposed use among the uses specified herein so as to assure equal treatment. In making any such determination, the board shall follow the principles set forth in the statement of purpose for the parking and loading provisions.

(Ord. 323 § 7204, 1969)

18.48.050 Specifications.

For the purpose of this title a parking space shall be at least one hundred eighty square feet in size and shall be of easily usable and convenient shape, orientation and grade. Each such space shall be readily accessible and aisles required for access to any space shall not be counted in meeting the requirements for spaces. Loading spaces shall be at least twelve feet wide and sixty feet long for industrial and warehouse type uses but may be twelve feet side and thirty feet long for retail, service and institutional establishments. Aisles adequate to accommodate the maneuvering into position of such vehicles shall be provided accessory to such space or spaces. Specified distances from the principal use for which a parking space is provided shall be measured from the edge of the usable parking space to a normal entrance to the building or use along a convenient and unobstructed pedestrian route.

(Ord. 524 § 1(y), 1982; Ord. 323 § 7205, 1969)

18.48.060 Group A.

All uses of land and buildings enumerated under this section, Group A shall provide off-street parking and loading space on the same zoning lot as such use or building and said parking or loading space shall have convenient and unobstructed pedestrian access across said zoning lot to a principal entrance to the building or use as set forth in this section:

	Use	Parking Required	Loading Space Required
(1)	Single-family, two-family, and multifamily dwellings containing three or fewer dwelling units	Two for each dwelling unit	None
(2)	Multifamily dwellings containing four or more dwelling units	One and one-half for each dwelling unit	One for any building containing ten dwelling units plus one additional space for each additional 20 units or major fraction thereof
(3)	Boardinghouses, roominghouses and lodginghouses	One for each bedroom	None
(4)	Doctor's offices, medical and dental clinics	Five spaces for each medical or dental practitioner	None

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(5)	Restaurants, beer parlor, taverns, bars, night clubs	One for each 2.5 seats	One
(6)	Retail stores and shops	One for each 200 square feet of gross sales space	One for the first 5,000 square feet plus one for each additional 30,000 square feet or major fraction thereof
(7)	Furniture and appliance sales and furniture and appliance repair	One for each 500 square feet of gross sales space and repair space	One for the first 5,000 square feet plus one for each additional 20,000 square feet or major fraction thereof
(8)	Funeral homes and mortuaries	One for each three seats in chapels or one for each 50 square feet of public area whichever is greater	One for each hearse, ambulance, or other nonpassenger vehicle
(9)	Real estate and offices	Two for the first 200 square feet plus one for each 100 square feet of office and public space	None
(10)	Small item services and repair shop	One space for each 200 square feet of gross floor area	One for the first 400 square feet of gross floor area plus one space for each additional 5,000 square feet or major fraction thereof
(11)	Beauty and barber shops	Two for each operator	None
(12)	Automotive or machinery sales and service garages	One for each 400 square feet of floor area	One for each 5,000 square feet of gross floor area
(13)	Bowling alleys	Five for each alley	None unless beer parlor or restaurant is attached then one space
(14)	Roller and ice rinks, intensive sports and recreation establishments and dancehalls	One for each three fixed seats or one for each 100 square feet of gross floor area of public space as appropriate	None
(15)	Banks and professional offices and general offices	One for each 300 square feet of floor area	None except that buildings of over 10,000 square feet shall meet requirements of Section 18.48.070(5)
(16)	Multifamily dwellings designed and to be occupied exclusively by persons 62 years of age and their spouses	Three-fourths space for each dwelling unit	One for any building containing ten dwelling units plus one additional space for each additional 20 units or major fraction thereof

(Ord. 524 § 1(y), (z), (aa), 1982; Ord. 323 §§ 7210—7226, 1969)

18.48.070 Group B.

All uses of land, or buildings enumerated under Group B shall provide off-street parking and loading on the same zoning lot as such buildings or use for all customers or patrons frequenting the establishment and said parking or loading space shall have convenient and unobstructed pedestrian access across said zoning lot to a principal entrance to the building or use. That portion of the parking requirement that is attributed to employees may be provided within three hundred thirty feet of the use or building as hereinafter set forth in this section:

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Use	Parking Required	Loading Space Required
(1) Hotel, apartment hotel, motel, club with guest rooms	One space for each unit for the first 20 units, plus one space for each two units for those in excess of 20 on-site. Plus one space for each two employees on the largest shift	One space for the first 40,000 square feet of floor area or fraction thereof plus one space for each additional 150,000 square feet of floor area or major fraction thereof
(2) Hospitals and rest homes	One space for each four beds plus one space for two staff physicians on site, plus one space for each three employees of all classes on the largest shift	One space for the first 40,000 square feet of floor area or fraction thereof plus one space for each additional 150,000 square feet of floor area or major fraction thereof
(3) College fraternities, college sororities	One space for each two bedrooms. Half of requirements may be off-site	None
(4) Clubs, organization halls	One space for each 100 square feet of assembly space on site, plus one space for each two employees	None
(5) Single occupancy office buildings of 10,000 square feet or over (if less than general offices)	One space for each 500 square feet of gross floor area on site, plus one space for each 600 square feet	One space for the first 10,000 square feet plus one space for each additional 40,000 square feet of floor area or major fraction thereof
(6) Wholesale stores with stock of goods. (without stock, see general offices)	One space for each 400 square feet of gross floor area. At least half of requirement shall be on-site	One space for the first 6,000 square feet of gross floor area plus one space for each additional 20,000 square feet of floor area or major fraction thereof
(7) Warehouses	Four spaces for the first 5,000 square feet of gross floor area, plus one additional space for each additional 5,000 square feet or major fraction thereof, 25% of total requirement shall be on-site	Two spaces for the first 5,000 square feet of gross floor area plus one space for each additional 10,000 square feet of floor area or major fraction thereof

(Ord. 323 §§ 7230—7237, 1969)

18.48.080 Group C.

All uses of land and buildings enumerated under Group C shall provide off-street loading on the same zoning lot as such building or use and such loading space shall have convenient and unobstructed access to said building or use. Parking requirements for customers, patrons and employees may be provided with six hundred sixty feet of said use or building except as set forth in this section:

Use	Parking Required	Loading Space Required
(1) Auditoriums, stadiums (except school), theater, community centers and similar places of public assembly	One space for each five seats in the main assembly area, or where no fixed seats are provided, one space for each 50 square feet of main assembly area	None
(2) Churches	One space for each four seats in the	None

(3)	Libraries, museums and similar uses	main assembly area One space for each 400 square feet of gross space to which the public has access	One space for the first 5,000 square feet of gross floor area plus an additional 10,000 square feet of floor area or major fraction thereof
(4)	Senior high schools, junior high schools, elementary schools, (including public, parochial and private)	One space for each teacher or employee except that where living accommodations for such teachers or employees are provided on or near the site this requirement may be satisfied by the parking provided for the living quarters so provided plus one space for each 100 square feet of seating space in the auditorium or multipurpose room, whichever is larger	None
(5)	Manufacturing, freight terminals	Four spaces for each 10,000 square feet of gross floor area or major fraction thereof plus one space for each employee on the largest shift	Sufficient to allow for completely off-street loading operation but in no event, less than required herein for a warehouse

(Ord. 323 §§ 7240—7245, 1969)

Chapter 18.50 BOARD OF ADJUSTMENT

Sections:

18.50.010 Establishment.

- (a) A board of adjustment is established and shall hereinafter be referred to as the "board." The board shall consist of five members serving without compensation, appointed by the mayor, subject to the approval of the council, for a term of five years, excepting that when the board shall first be created, one member shall be appointed for a term of five years, one for a term of four years, one for a term of three years, one for a term of two years, and one for a term of one year. One member shall be a member of the zoning commission.
- (b) Any vacancy shall be filled by appointment of the mayor with the approval of the city council for the unexpired portion of the term. Should any member be absent from the city or become incapacitated, or disqualified, the mayor, with the approval of the council shall appoint a substitute to serve as a member of the board with the same powers and authority as the regular members of the board until the regular member has returned or is able to serve on the board.

(Ord. 323 § 7300, 1969)

18.50.020 Zoning officer.

The building inspector appointed by the city shall be the zoning officer. The zoning officer shall be responsible for carrying out and administrating the provisions set forth in this title.

(Ord. 323 § 7300.5, 1969)

18.50.030 Meetings.

Meetings of the board shall be held at the call of the chairman and at such other times as the board may determine. Business of the board shall be conducted in accordance with these regulations set forth herein and with the provision of the Code of Iowa, 1985, chapter 414, and shall adopt its own rules of procedure in harmony with said provisions. The chairman, or in his absence, the acting chairman, may administer oaths and compel the attendance of witnesses. All meetings shall be open to the public.

(Ord. 323 § 7301, 1969)

18.50.040 Record.

The board shall keep minutes of all meetings, containing the substance of testimony and detailed findings, and showing the vote of each member upon each question, or if absent or failing to vote, indicating such fact, all of which shall be immediately filed in the office of the board and shall be a public record. The concurring vote of two-thirds of all of the members of the board of adjustment shall be necessary to reverse any order, requirement, decision or determination of the building inspector or to decide in favor of the applicant or any matter upon which the board is required to pass under this title or to allow any variance to the strict interpretation of this title. No order or finding of the board shall become effective until the eighth day following the posting of a copy of such ruling or finding, duly attested by the zoning officer upon a public bulletin board in the city hall, and transmittal of duplicate copies to the city clerk and to the chief administrative officer of the commission. The city clerk shall serve as a secretary of the board and keep its records.

(Ord. 323 § 7302, 1969)

18.50.050 Appeal.

Appeal to the board may be taken within thirty days after an order becomes effective, by any person or persons aggrieved or by any officer, department, board or bureau of the city affected by any decision of the zoning officer.

(Ord. 323 § 7303, 1969)

18.50.060 Jurisdiction.

The board shall have powers to make rulings in the following situations:

- (1) To hear and decide appeals where it is alleged there is error in any order, requirement, decision or determination made by an administrative official in the enforcement of this title.
- (2) To authorize upon appeal in specific cases such variance from the terms of this title as will not be contrary to the public interest, where owing to special conditions a literal enforcement of the provisions of this title would result in unnecessary hardship, and so that the spirit of the ordinance codified in this title shall be observed and substantial justice done.
- (3) Hear applications for conditional use permits and make requisite findings precedent to authorization as required by this title. Said conditional uses shall comprise the field of special exceptions as specified in the Code of Iowa, 1985, Chapter 414. (4) To make rulings for the advice of the zoning officer in cases where uses are found to exist which are not specifically mentioned on this title, and so specify the zones in which such new uses may properly fall, until such time as such uses shall be specifically treated by amendment to this title. It is the intention of the council in adopting this title that all uses of land, performance standards and requirements as to the placement and sizes of buildings specifically

treated in this title are so designated to conform with a comprehensive plan within the meaning of the Code of Iowa, 1985, Chapter 414, and any changes in the application of this title which would have the effect of changing the zoning classification of any parcel of property other than through application of specific provisions of this title, are deemed to be a legislative determination and to fall within the province of the council.

(Ord. 323 § 7304, 1969)

18.50.070 Finding—Variances.

Before making any rulings on a variance, the board shall make all of the following determinations and shall record such determinations in its proceedings:

- (1) The appeal falls within the jurisdiction of the board.
- (2) All parties directly in interest have been notified of the proceedings.
- (3) The grant of the appeal would not have the effect of changing the intended zoning of the property.
- (4) The property cannot reasonably be used in conformity with the provisions of this title.
- (5) The difficulty complained of is not the result of a wilful act of the petitioner or other person maintaining an interest in property, or their immediate predecessors in interest.
- (6) The difficulty complained of is unique to the property in question and is not common to all property similarly situated.
- (7) Balancing the interest of the city in preserving the comprehensive plan or the interest of nearby properties against the interest of the petitioner in using his property as proposed to be used, the granting of the variance is required by considerations of justice and equity.

(Ord. 323 § 7305, 1969)

18.50.080 Finding—Conditional uses.

Before authorizing a conditional use, the board shall make the following determinations:

- (1) The appeal falls within the jurisdiction of the board.
- (2) All parties directly in interest have been notified of the proceedings.
- (3) All specific conditions of this title relative to any specific limitations or conditions necessary to protect the public interest and assure the continued beneficial use and enjoyment of nearby properties or that no special limitations are necessary to protect the public.
- (4) The conditional use with specific limitations and design features as may have been required will further the aims of the comprehensive plan and will not be unduly detrimental to nearby properties.
- (5) In the event that opposing interests cannot be resolved, the board shall find that balancing the interest of the city in preserving the comprehensive plan or the interests of nearby properties against the interest of the petitioner in using his property as proposed to be used, the granting of the conditional use permit is required by considerations of justice and equity.

(Ord. 323 § 7306, 1969)

18.50.090 Notice.

The board shall give sufficient notice to parties affected by any proceeding and shall adopt reasonable rules and regulations to facilitate such notice. A copy of each notice shall be transmitted to the city clerk and to the office of the commission.

(Ord. 323 § 7307, 1969)

18.50.100 Fees.

The board may adopt a schedule of fees to defray all or part of the cost of processing an appeal. Said schedule of fees shall be approved by the council. All fees shall be payable to the city clerk and may be deposited with the city clerk in a fund determined by the council.

(Ord. 323 § 7308, 1969)

18.50.110 Termination of variance.

Where property is in use under the terms of a variance and such use ceases or in the case of a structure such structure ceases to exist, then the variance shall terminate unless the terms of the variance specify otherwise.

(Ord. 323 § 7309, 1969)

Chapter 18.52 CERTIFICATE OF OCCUPANCY

Sections:

18.52.010 Required.

No vacant land shall be occupied or used, except for agricultural use, and no building hereafter erected or structurally altered shall be occupied or used, until a certificate of occupancy shall have been issued by the zoning officer. The certificate of occupancy for the use of vacant land or the change in use in land as herein provided, shall be applied for before such land shall be occupied or used and a certificate of occupancy shall be issued within five days after the application has been made, provided such use is in conformity with the provisions of these regulations.

(Ord. 323 § 7400, 1969)

18.52.020 Certificate of occupancy—Building.

No permit for excavation for any building shall be issued before application has been made for a certificate of occupancy. A certificate of occupancy for a new building or for the structural alteration of an existing building shall be applied for coincident with the application of the building permit, which building permit shall recite the nature of occupancy. Said certificate and permit shall be issued within five days after request for same has been made in writing to the zoning officer, provided, however, that if upon completion or alteration of such building or part thereof, the provisions of this title are not complied with, the certificate of occupancy shall be and become void.

(Ord. 323 § 7401, 1969)

18.52.030 Certificate of occupancy—Record.

A record of all certificates of occupancy shall be kept on file in the office of the zoning officer and copies shall be furnished on request to any person having a proprietary or tenancy interest in the building or ground. No fee shall be charged for an original certificate applied to coincident with the application of a building permit. For all other certificates or for copies of an original certificate there shall be a charge of one dollar each.

(Ord. 323 § 7402, 1969)

Chapter 18.54 EXTRATERRITORIAL ZONING

Sections:

18.54.010 Powers exercised.

The municipal zoning power granted to the city by Chapter 414, Code of Iowa, 1985 is extended to those unincorporated areas surrounding the city in accordance with the provisions of Section 414.23 of the Code.

(Ord. 524 § 5(a (part)), 1982: Ord. 323 § 8000, 1969)

18.54.020 Description of area to be included.

The exercise of powers set forth in Section 18.54.010 shall extend to all of the unincorporated territory of Lucas County located within the following area:

all of Sections 13, 23, 24, 25, 26 and 36 of T-72N, R-22 West of the 5th P.M.; all of Sections 7, 8, 16, 21, 28, 31, 32, 33 and the areas lying outside the incorporated limits of the City of Chariton in Sections 17, 18, 19, 20, 29 and 30 of T-72N, R-21 West of the 5th P.M.; the S $\frac{1}{2}$ SW $\frac{1}{4}$ of Section 4 of T-72N, R-22 West of the 5th P.M.; the S $\frac{1}{4}$ of Section 5 of T-72N, R-21 West of the 5th P.M.; the S $\frac{1}{4}$ of Section 6 of T-72N, R-21 West of the 5th P.M.; all of Section 9 of T-72, R-21 West of the 5th P.M., except the NE $\frac{1}{2}$ NE $\frac{1}{4}$ thereof; the W $\frac{1}{2}$ SW $\frac{1}{4}$ of Section 10 of T-72N, R-21 West of the 5th P.M.; all of Section 15 of T-72N, R-21 West of the 5th P.M. except the E $\frac{1}{4}$ thereof; all of Section 22 of T-72N, R-21 West of the 5th P.M. except the E $\frac{1}{4}$ thereof; all of Section 22 of the T-72N, R-21 West of the 5th P.M. except the E $\frac{1}{4}$ thereof; all of Section 27 of T-72N, R-21 West of the 5th P.M. except the E $\frac{1}{4}$ thereof; all of Section 34 of T-72N, R-21 West of the 5th P.M. except the E $\frac{1}{4}$ thereof; the NW $\frac{1}{2}$ NW $\frac{1}{4}$ of Section 3 of T-71N, R-21 West of the 5th P.M.; all of Section 4 of T-71N, R-21 West of the 5th P.M. except the SE $\frac{1}{2}$ SE $\frac{1}{4}$ thereof; all of Section 5 of T-71N, R-22 West of the 5th P.M. except the S $\frac{1}{2}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$ thereof; all of Section 6 of T-71N, R-21 West of the 5th P.M. except the S $\frac{1}{4}$ thereof; the NE $\frac{1}{4}$ and the N $\frac{1}{2}$ NW $\frac{1}{4}$ of Section 1 of T-71N, R-22 West of the 5th P.M.; the N $\frac{1}{2}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 2 of T-71N, R-22 West of the 5th P.M.; the S $\frac{1}{4}$ E $\frac{1}{2}$ of Section 1 of T-72N, R-22 West of the 5th P.M.; the SE $\frac{1}{4}$ of Section 11 of T-72N, R-22 West of the 5th P.M.; all of Section 12 of T-71N, R-22 West of the 5th P.M. except the NW $\frac{1}{4}$ NW $\frac{1}{4}$ thereof; all of Section 14 of T-72N, R-22 West of the 5th P.M. except the NW $\frac{1}{4}$ NW $\frac{1}{4}$ thereof; all of Section 35 of T-72N, R-22 West of the 5th P.M. except the W $\frac{1}{2}$ NW $\frac{1}{4}$ and the SW $\frac{3}{4}$ SW $\frac{1}{4}$ thereof.

(Ord. 524 § 5(a (part)), 1982: Ord. 323 § 8001, 1969)

18.54.030 Zoning to be shown on zoning map.

The official zoning map of the city shall be amended to include the unincorporated territory within two miles of the limits of Chariton, Iowa. Said territory shall be divided into districts as designated on the zoning map. All requirements for each district as set forth in this title shall apply in the unincorporated territory as within the city, except as expressly modified by this title.

(Ord. 524 § 5(a (part)), 1982: Ord. 323 § 8002, 1969)

18.54.040 Exemption of farms.

No regulations or requirements adopted under the provisions of this title which extends to the city's zoning regulations outside the corporate limits shall be construed to apply to land, farm houses, farm barns, farm outbuildings or other structures, or erections which are primarily adapted, by reason of nature and area, for use for agricultural purposes while so used; provided, however, that such regulations or ordinances which relate to any structure, building, dam, obstruction, deposit or excavation in or on the floodplains of any river or stream, which may be contained herein, or which may be subsequently adopted, shall apply equally to agricultural and nonagricultural lands, buildings and structures.

(Ord. 524 § 5(a (part)), 1982: Ord. 323 § 8010, 1969)

18.54.050 Commission and boards.

Upon the adoption and final approval of the ordinance codified in this title, the size of the planning and zoning commission and board of adjustment shall be increased by two members each. Said additional members shall be residents from outside the city limits and from that area over which the zoning jurisdiction is extended. The board of supervisors of Lucas County shall appoint the two nonresident members for each body for overlapping five-year terms. All members shall have the same rights, privileges and duties regardless of residency.

(Ord. 524 § 5(a (part)), 1982: Ord. 323 § 8020, 1969)

18.54.060 Appeals.

Property owners affected by such extraterritorial zoning regulations shall have the same rights of hearing, protest and appeal as those within the city.

(Ord. 524 § 5(a (part)), 1982: Ord. 323 § 8030, 1969)

18.54.070 Termination of extraterritorial zoning.

At such time when Lucas County adopts a county zoning ordinance, the power exercised under this title shall be terminated within three months of the establishment of the administrative authority for county zoning, or at such date as mutually agreed upon by the city council of Chariton and the county board of supervisors.

(Ord. 524 § 5(a (part)), 1982: Ord. 323 § 8040, 1969)

Chapter 18.56 AMENDMENTS

Sections:

18.56.010 Generally.

The council may from time to time make amendments to the text and maps of the ordinance codified in this title in accordance with the provisions of the Code of Iowa, 1985, Chapter 414. Action may be initiated by the council, by the commission or by a private citizen. The commission may make reasonable rules and regulations and fee schedules for the processing of amendments with concurrence of the council.

(Ord. 323 § 8100, 1969)

18.56.020 Notice.

Any notice specified by such rules and regulations shall be in addition to that specified by the Code of Iowa, 1985, Chapter 414, and proper notice as specified by law shall be deemed to be the sole legal notice for such changes in the text or map of the ordinance codified in this title as may be hereafter proposed. It shall be the policy of the city to give as full and adequate notice as practicable to all interested parties and to the general public, but failure to issue such notice except as specified by the Code of Iowa shall not invalidate the proceedings.

(Ord. 323 § 8101, 1969)

Chapter 18.58 ENFORCEMENT

Sections:

18.58.010 Enforcement.

It shall be the duty of the zoning officer to enforce the provisions of this title and enforce such rules, regulations and decisions as shall be adopted by the board of adjustment.

(Ord. 323 § 8300, 1969)

18.58.020 Nuisance.

Any structure erected, raised, converted or land or premises used in violation of any of the provisions of this title or the requirements thereof, is declared to be a common nuisance and such common nuisance may be abated in such manner as nuisances are now or may hereafter be abated under existing law.

(Ord. 323 § 8401, 1969)

Chapter 18.60 LOCATION OF ADULT BUSINESSES AND ENTERTAINMENT

Sections:

18.60.010 Definitions of adult businesses and entertainment.

"Adult amusement or entertainment" means an amusement or entertainment which is distinguished or characterized by an emphasis on acts or material depicting, describing or relating to "specified sexual activities"; or "specified anatomical areas", as defined herein, including, but not limited to, topless or bottomless dancers, exotic dancers, strippers, male or female impersonators or similar entertainment.

"Adult book store or gift shop" means an establishment having as a substantial and significant portion of its stock in trade books, magazines and other periodicals or goods and items held for sale which are characterized by their emphasis on matters depicting, describing or relating to "specified sexual activities" or "specified anatomical areas" as defined herein.

Adult Businesses and Entertainment. Adult businesses include adult amusement or entertainment, adult book store or gift shop, adult hotel or motel, adult photo studio, adult theater, adult video store, and massage parlor.

"Adult hotel or motel" means a building with accommodations used for the temporary occupancy of one or more individuals and is an establishment wherein a substantial and significant portion of the materials presented

are distinguished or characterized by an emphasis or on matter depicting, describing or relating to "specified sexual activities" or "specified anatomical areas", as defined herein, for observation by the individuals therein.

"Adult photo studio" means an establishment which, upon payment of a fee, provides photographic equipment and/or models for the purpose of photographing "specified sexual activities" or "specified anatomical areas" as defined herein.

"Adult theater" means a theater wherein a substantial and significant portion of the materials presented are distinguished or characterized or relating to "specified sexual activities" or "specified anatomical "areas", as defined herein, for observation by patrons herein.

"Adult video store" means a video store wherein a substantial and significant portion of the materials presented are distinguished or characterized or relating to "specified sexual activities" or "specified anatomical areas", as defined herein.

"Massage parlor" means any building, room, place or establishment, where manipulated massage or manipulated exercise is practiced upon the human body for pay with emphasis on "specified sexual activities" or "specified anatomical areas", as defined herein, by anyone not a duly licensed physician, osteopath, chiropractor, registered nurse and practical nurse operating under a physician's direction, physical therapist, phiriopidist, registered speech pathologist and physical or occupational therapist who treat only patients recommended by a licensed physician and operate only under such physician's direction, whether with or without the use of mechanical, therapeutic or bathing devices, and shall include Turkish bath houses. The term shall not include a regular licensed hospital, medical clinic or nursing home, duly licensed beauty parlors or barber shops.

"Minors" means any person under the age of twenty-one years.

"Specified anatomical areas" means less than completely and opaquely covered human genital, pubic region, buttocks; and a female breast below a point above the top of the areola; and human male genitals in a discernibly turgid state—even if completely and opaquely covered.

"Specified sexual activities" means patently offensive acts, exhibitions, representations, depictions or descriptions of: (1) human genitals in a state of sexual stimulation or arousal; (2) fondling or other erotic touching of human genitals, pubic region, buttocks or female breasts; (3) intrusion, however slight, actual or simulated, by an object, any part of an animal's body, or any part of a person's body into genital or anal openings of a person's body; (4) cunnilingus, fellatio, anilingus, masturbation, bestiality, lewd exhibition of genitals or excretory function, actual or simulated; (5) flagellation, mutilation or torture, actual or simulated, in a sexual context.

(Ord. 781 § 2, 2001)

18.60.020 General regulations.

- (a) An adult business or adult entertainment shall not be located within one thousand feet of any public or parochial school, licensed day care facility, church, public park, or any dwelling (one-family, two-family, or multiple family dwellings).
- (b) One thousand feet restrictions shall be computed by measurement from the nearest property line of the land used for another adult use or be located within one thousand feet of any public or parochial school, licensed day care facility, church, public park, or any dwelling (one-family, two-family, or multiple family dwellings) to the nearest entrance of the building in which adult uses are to occur, using a route direct measured horizontal distance.
- (c) All building openings, entries, windows, etc., shall be covered or screened in such a manner as to prevent a view of the interior from any public or semi-public area. Advertisements, displays or other promotional

materials shall not be shown or exhibited so as to be visible to the public from the pedestrian sidewalks, walkways, or from other public or semi-public areas.

(Ord. 781 § 2, 2001)

18.60.030 Minors.

No minor as defined by this section shall be permitted in any establishment in which adult businesses and adult entertainment is permitted.

(Ord. 781 § 2, 2001)

18.60.040 Alcohol.

No alcohol shall be permitted in any establishment in which adult businesses and adult entertainment is permitted, unless such is specifically allowed pursuant to Iowa Law. This prohibition applies equally to the proprietor and the patrons of the establishment involved.

(Ord. 781 § 2, 2001)

18.60.050 Nuisance operation.

Any adult entertainment business operated, conducted or maintained contrary to the provisions of this chapter shall be and the same is declared to be unlawful and a public nuisance, and the city attorney may, in addition to or in lieu of prosecuting a criminal action under this chapter, commence an action or actions, proceeding or proceedings, for the abatement, removal or injunction thereof, in the manner prescribed by law, and shall take such other steps and shall apply to such court or courts as may have jurisdiction to grant such relief as will abate or remove such establishment and restrain and enjoin any person from operating, conducting or maintaining an adult entertainment business contrary to the provisions of this chapter.

(Ord. 781 § 2, 2001)

18.60.060 Penalty.

A violation of this section shall result in those penalties applicable to a municipal infraction pursuant to the code of ordinances of the city of Chariton, Iowa.

(Ord. 781 § 2, 2001)