

## CHAPTER 121

# ZONING REGULATIONS

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**121.01 SHORT TITLE.** This Chapter shall be known and may be cited as the “City of Yale, Iowa, Zoning Ordinance.”

**121.02 PURPOSE.** The purpose of the Zoning Ordinance is to provide adequate light and air, to prevent the overcrowding of land, to avoid undue concentration of population, to regulate the use of land, and to promote the health, safety and general welfare of the City of Yale.

**121.03 APPLICATION OF DISTRICT REGULATIONS.** The regulations set by the Zoning Ordinance within each district are minimum regulations and apply uniformly to each class or kind of structure of land and particularly, except as hereinafter provided:

1. No building, structure or land shall hereafter be used or occupied, no building or structure or part thereof shall hereafter be erected, constructed, reconstructed, moved or structurally altered except in conformity with all the regulations herein specified for the district in which it is located.
2. No part of a yard or other open space or off-street parking or loading space required about or in connection with any building for the purpose of complying with the Zoning Ordinance shall be included as part of a yard, open space or off-street parking or loading space similar required for any other building.
3. No yard or lot existing at the time of passage of the Zoning Ordinance shall be reduced in dimension or area below the minimum requirements set forth herein.

Yards or lots created after the effective date of the Zoning Ordinance shall meet at least the minimum requirements established herein.

4. Whenever the requirements of this zoning Ordinance are at variance with the requirement of any other lawfully adopted rules, regulations, ordinances, deed restrictions or covenants, the most restrictive or that imposing the higher standard shall govern.
5. All Structures existing as of the effective date of the Zoning Ordinance and which comply with the terms and conditions hereof, shall be considered lawful and be allowed to continue and exist or be reconstructed as they currently exist.

#### **165.04 OFFICIAL ZONING MAP.**

1. Provision for Official Zoning Map. The City shall be divided into districts, as shown on the Official Zoning Map, which, together with all explanatory matter thereon, is adopted by ordinance. The Official Zoning Map shall be identified by the signature of the Mayor, attested by the Clerk. If, in accordance with the provisions of this chapter and Chapter 414 of the Code of Iowa, changes are made in district boundaries or other matters portrayed on the Official Zoning Map, such changes shall be entered on the Official Zoning Map promptly after the amendment has been approved by the Council, with an entry on the Official Zoning Map as follows: *By official action of the Council, the following changes were made in the Official Zoning Map. (Indicating the changes by ordinance numbers and date of publication.)* No amendment of this chapter which involves matter portrayed on the Official Zoning Map shall become effective until after such change entered and entry made on said map.
2. Annexation of New Land. Any land annexed to the City after the effective date of the Zoning Ordinance shall be zoned A-2 (Limited Agricultural) until the Commission and Council shall have studied the area and adopted a final zoning plan for the area in accordance with this chapter.
3. Replacement of the Official Zoning Map. In the event that the Official Zoning map becomes damaged, destroyed, lost or difficult to interpret because of the nature or number of changes and additions, the Council may by ordinance adopt a new Official Zoning Map which shall supersede the prior Official Zoning Map. The new Official Zoning Map may correct drafting or other errors or omissions in the prior Official Zoning Map, but no such correction shall have the effect of amending the original Official Zoning Map or any subsequent amendment thereof. The new Official Zoning Map shall be identified by the signature of the Mayor, attested by the Clerk. Unless the prior Official Zoning Map has been lost or has been totally destroyed, the prior map or any significant parts thereof remaining shall be preserved, together with all available records pertaining to its adoption or amendment.

(See **EDITOR'S NOTE** at the end of this chapter for ordinances amending the zoning map.)

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

1. Boundaries indicated as approximately following the centerlines of streets, highways or alleys shall be construed to follow such centerlines.
2. Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines.
3. Boundaries indicated as approximately following City limits shall be construed as following such City limits.
4. Boundaries indicated as approximately following railroad lines shall be construed to be midway between the main tracks.
5. Boundaries indicated as approximately following shorelines shall be construed to follow such shorelines, and in the event of change in the shoreline shall be construed as moving with the actual shoreline; boundaries indicated as approximately following the centerlines of streams or other bodies of water shall be construed to follow such centerlines.
6. Boundaries indicated as parallel to or extensions of features indicated in subsections 1 to 3 of this section shall be so construed. Distances not specifically indicated on the Official Zoning Map shall be determined by the scale of the map.
7. Where physical or cultural features existing on the ground are at variance with those shown on the Official Zoning Map, or in other circumstances not covered by subsections 1 through 6 of this section, the Board of Adjustment shall interpret the district boundaries.
8. Whenever the Council vacates and disposes of a street or alley, adjacent districts shall extend to the centerline of the vacation.
9. Whenever a variance exists between the Zoning map and the legal description on an amendment to this chapter, the legal description applies.

**121.06 DEFINITIONS.** For the purpose of the Zoning Ordinance, certain terms and words are defined as set forth in this section. As used in the Zoning Ordinance, the words “used or occupied” include the words “intended, designed or arranged to be used or occupied,” and the word “lot” includes the words “plot or parcel.”

1. “Abutting” means having property or district lines in common.
2. “Access” means a way of approaching or entering a property from a public street.
3. “Accessory building” means a subordinate building located on the same lot with the main building, occupied by or devoted to an accessory use. Where an accessory

building is attached to the main building in a substantial manner, as by a wall or roof, such accessory building shall be considered part of the main building.

4. “Accessory use” means a use customarily incidental and subordinate to the main use or building located on the same lot therewith. In no case shall such accessory use dominate, in extent or purpose, the principal lawful use or building.
5. “Agriculture” means the production, keeping or maintenance, or sale, lease or personal use, of plants and animals useful to humans, including but not limited to: forages and sod crops, grains and seed crops, trees and forest products, fruits of all kinds, vegetables, or lands devoted to a soil conservation or forestry management program.
6. “Alley” means a public way, other than a street, twenty (20) feet or less in width, affording secondary means of access to abutting property.
7. “Basement” means a story having part but not more than one-half (1/2) its height below grade. A basement is counted as a story if the vertical distance from the average adjoining grade to its ceiling is over five (5) feet.
8. “Bed and breakfast house” means a house or portion thereof where short-term lodging, rooms and meals are provided. The operator shall live on the premises.
9. “Board” means the Board of Adjustment.
10. “Boardinghouse” means a building other than a hotel where, for compensation, meals and lodging are provided for four (4) or more persons.
11. “Building” means any structure designed or intended for the support, enclosure, shelter or protection of persons, animals or property, but not including signs or billboards and not including structures or vehicles originally designed for transportation purposes.
12. “Building, height of” means the vertical distance from the average natural grade at the building line to the highest point of the coping of a flat roof or to the declivity of a mansard roof, or to the mean height level between eaves and ridge for gable, hip and gambrel roofs.
13. “Condominium” means a building or group of buildings in which units are owned individually and the structure, common areas and facilities are owned by all of the owners on a proportional undivided basis.
14. “District” means a section or sections of the City within which the regulations governing the use of buildings and premises or the height and area of buildings and premises are uniform.

15. “Dwelling/dwelling unit” means any building or portion thereof which is designed for use exclusively for residential purposes, but not including a tent, cabin, trailer or mobile home.
16. “Dwelling, multiple” means a building or portion thereof designed for or occupied exclusively for residence purposes by two or more families.
17. “Dwelling, single-family” means a building designed for or occupied exclusively for residence purposes by one family.
18. “Dwelling, two-family” means a building designed for or occupied exclusively for residence purposes by two families.
19. “Family” means one or more persons related by blood, marriage or adoption occupying a single dwelling unit. A family may include 4, but not more than 4, persons not related by blood, marriage or adoption, except by special exception of the Board of Adjustment; however, domestic employees employed on the premises may be housed on the premises without being counted as a family or families.
20. “Family home” means a community-based residential home which is licensed as a residential care facility under chapter 135C of the Code of Iowa or as a child foster care facility under Chapter 237 of the Code of Iowa to provide room and board, personal care, habilitation services and supervision in a family environment exclusively for not more than eight developmentally disabled persons and any necessary support personnel. However, family home does not mean an individual foster care home licensed under Chapter 237 of the Code of Iowa.
21. “Frost-free foundation” means a foundation supporting a structure and which is required to be at least forty-two (42) inches below grade.
22. “Garage” means a building or portion thereof in which a motor vehicle containing gasoline, distillate or other volatile, flammable liquid in its tank is stored, repaired or kept.
23. “Garage, private” means building or part thereof accessory to a main building and providing for the storage of automobiles and in which no occupation or business or profit is carried on.
24. “Garage, public or storage” means a building or part thereof other than a private garage, for the storage of motor vehicles and in which service station activities may be carried on.
25. “Grade” means the average elevation of the finished ground at the exterior walls of the main building.
26. “Health care facility” means any residential care facility, intermediate care facility or skilled nursing facility.

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

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

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

27. “Home occupation” means an occupation conducted in a dwelling unit, provided that:

A. The activity shall employ primarily members of the immediate family of the residents of the dwelling.

B. The use of the dwelling unit for the home occupation shall be clearly incidental and subordinate to its use for residential purposes by its occupants, and not more than thirty percent (30%) of the main floor area of the dwelling unit shall be used in the conduct of the home occupation.

C. There shall be no change in the outside appearance of the building or premises, nor shall there be any outdoor storage associated with the home occupation or other visible evidence of the conduct of such home occupation or other visible evidence of the conduct of such home occupation other than one sign, not exceeding three square feet in area, nonilluminated, and mounted flat against the wall of the principal building.

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

- E. No traffic shall be generated by such home occupation in greater volumes than would normally be expected in a residential neighborhood, and any need for parking generated by the conduct of such home occupation shall be met by providing off-street parking and shall not be in a required front yard. Further, no off-street parking resulting from the home occupation shall interfere with the off-street parking of surrounding properties.
- F. No equipment or process shall be used in such home occupation which creates noise, vibration, glare, fumes, odors, or electrical interference detectable to then normal sense off the lot, if the occupation is conducted in a single-family residence or outside the dwelling unit if conducted in other than a single-family residence. No equipment or process shall be used which creates visual or audible interference in any radio or television receivers off the premises or causes fluctuations in line voltage off the premises.
- G. Automotive repair and vehicle maintenance as a home occupation shall only be allowed by special exception of the Board of Adjustment.
- H. All home occupations shall be registered in the office of the Clerk and shall be subject to all terms and conditions of this chapter and section. Said registration shall be on a form provided by the office of the Clerk.
28. “Hospital” means an institution which is devoted primarily to the maintenance and operation of facilities for the diagnosis, treatment or care, over a period exceeding twenty-four hours, of two or more nonrelated individuals suffering from illness, injury or deformity, or a place which is devoted primarily to the rendering, over a period exceeding twenty-four hours, of obstetrical or other medical or nursing care, for two or more nonrelated individuals, or any institution, place building or agency in which any accommodation is primarily maintained, furnished or offered for nonrelated aged or infirm persons requiring or receiving chronic or convalescent care, and includes sanitariums or other related institutions. However, this does not apply to hotels or other similar places that furnish only food and lodging or either to their guests. “Hospital” includes, in any event, any facilities wholly or partially constructed or to be constructed with Federal financial assistance, pursuant to Public Law 725, 79<sup>th</sup> Congress, approved August 13, 1946.
29. “Hotel” means a building occupied as the more or less temporary residence of individuals who are lodged for compensation with or without meals, in which there are sleeping rooms or suites of rooms with no provision for cooking in any individual room or suite of rooms, and entrance is through a common lobby or office.
30. “Junkyard” means any area not fully enclosed in a building, including a salvage yard, which is used in whole or in part for the storage or deposit of junk, waste, discarded or salvaged materials or where they are bought, sold, exchanged, baled or packed, disassembled, stored, abandoned or handled, including the dismantling or “wrecking” of automobiles or other vehicles or machinery, house-wrecking yards, used lumber yards and places or yards for storage of salvage, house-wrecking and

structural steel materials and equipment encompassing either (i) an area of 200 square feet or more, or (ii) two or more inoperable motor vehicles, or used parts and materials thereof, which taken together equal the bulk of two or more motor vehicles.

31. “Kennel (commercial)” means an establishment in which dogs or domestic animals more than one year old are housed, groomed, bred, boarded, trained or sold.
32. “Lodging house” means a building originally designed for or used as single-family, two-family or multiple-family dwelling, all or a portion of which contains lodging rooms or rooming units which accommodate persons who are not members of the keeper’s family. Lodging or meals, or both, are provided for compensation. The term “lodging house” shall be construed to include boardinghouse, rooming house, fraternity house, sorority house and dormitories.
33. “Lot” means a parcel of land of at least sufficient size to meet minimum zoning requirements for use, coverage and area, and to provide such yards and other open spaces as are herein required. Such lot shall have frontage on an improved public street, or on an approved private street, and may consist of:
  - A. A single lot of record;
  - B. A portion of a lot of record;
  - C. A combination of complete lots of record, or complete lots of record and portions of lots of record, or of portions of lots of record;
  - D. A parcel of land described by metes and bounds, provided that in no case of division or combination shall any residual lot or parcel be created which does not meet the requirements of this chapter.
34. “Lot frontage” means the front of a lot and the portion nearest the street. For the purpose of determining yard requirements on corner lots and through lots, all sides of a lot adjacent to streets shall be considered frontage and yards shall be provided as indicated under the definition for “Yard” in this section.
35. “Lot measurements” include the following:
  - A. Width of a lot is the distance between straight lines connecting front and rear lot lines at each side of the lot, measured across the building line; provided, however, that width between side lot lines at their foremost points (where they intersect with the street line or front property line) shall not be less than eighty percent (80%) of the required lot width except in the case of lots on the turning circle of a cul-de-sac, where 80% requirements shall not apply.



- B. Depth of a lot shall be the distance between the mid-points of straight lines connecting the foremost points of the side lot lines in front and the rearmost points of the side lot lines in the rear.
36. “Lot of record” means a lot which is part of a subdivision recorded in the office of the County Recorder, or a lot or parcel described by metes and bounds, the description of which has been so recorded.
37. “Lot Types” are shown on Exhibit 1 which illustrates terminology used in this chapter with reference to the following:
- A. A “corner” lot is a lot located at the intersection of two or more streets.
- B. An “interior” lot is a lot other than a corner lot with only one frontage on a street other than an alley.
- C. A “through” lot is a lot other than a corner lot with frontage on more than one street other than alley. Lots with frontage on two nonintersecting streets may be referred to as “through” lots.
- D. A “reversed corner” lot is a corner lot, the side street line of which is substantially a continuation of the front lot line of the first lot to its rear.
38. “Manufactured home” means a factory-built structure which is manufactured or constructed under the authority of 42 U.S.C. Section 5403 and is to be used as a place for human habitation, but which is not constructed or equipped with a permanent hitch or other device allowing it to be moved other than for the purpose of moving to a permanent site and which does not have permanently attached to its body or frame any wheels or axles. A manufactured home shall be located and installed according to the same standards, including but not limited to, a foundation system, set-back, and minimum square footage which would apply to a site-built, single family dwelling on the same lot. A mobile home as defined in Section 435.1 of the State Code is not a manufactured home, unless it has been converted to real property as provided in Section 435.26 of the Iowa Code (1997), and shall be taxed as a site-built dwelling. This section shall not be construed as abrogating a recorded restrictive covenant.
39. “Mobile home” means any structure used for living, sleeping, business or storage purposes, having no foundation other than wheels, blocks, skids, jacks, horses or skirting, and which is, has been or reasonably may be equipped with wheels or other devices for transporting the structure from place to place, whether by motive power or other means. The term “mobile home” includes camp car and house car.
40. “Modular home” means factory-built housing certified as meeting the State Building Code as applicable to modular housing. Once certified by the State, modular homes shall be subject to the same standards as site-built homes.

41. “Motel” (also “motor hotel,” “motor court,” “motor lodge” or “tourist court”) means a building or group of buildings designed to provide sleeping accommodations to transient guests for compensation and provides near each guest room a parking space for the guest’s vehicle. A swimming pool, restaurant, meeting rooms, management offices and other such accessory facilities may be included.
42. “Nonconformities” means lots, structures, uses of land and structures or characteristics of uses which are prohibited under the terms of this chapter but were lawful at the date of the Zoning Ordinance’s enactment.
43. “Nursing home” or “convalescent home” means a building or structure having accommodations and where care is provided for invalid, inform, aged, convalescent or physically disabled persons, not including insane and other mental cases, inebriate or contagious cases.
44. “Parking space” means an area of not less than one hundred eighty (180) square feet, either within a structure or in the open, exclusive of driveway or access drives, for the parking of a motor vehicle.
45. “Permitted use” means a use by right which is specifically authorized in a particular zoning district.
46. “Principal use” means the main use of land or structures as distinguished from an accessory use.
47. “Projections” (into yards) means parts of buildings such as architectural features that extend beyond the building’s exterior wall.
48. “Service station” (gas station) means a building or premises used for dispensing or offering for sale at retail any automobile fuels, oils or having pumps and storage tanks therefor, or where battery, tire or any similar services are rendered, and where vehicles are not parked for purposes of inspection or sale.
49. “Setback” means the required distance between every structure and lot line on the lot in which it is located.
50. “Sign” means any advertising device or surface out-of-doors, on or off premises, on which letters, illustrations, designs, figures or symbols are painted or attached and which conveys information or identification.
51. “Sign, off-premises” means an advertising device including the supporting structure which directs the attention of the general public to a business, service or activity not usually conducted or a product not usually sold upon the premises where such a sign is located. Such a sign shall not include on-premises signs, directional or other official signs which have a significant portion of their face devoted to giving public service information (date, time, temperature, weather, information, etc.)

52. “Sign, on-premises” means an advertising device concerning the sale or lease of the property upon which it is located and an advertising device concerning activities conducted or products sold on the property upon which it is located.
53. “Statement of intent” means a statement preceding regulations for individual districts intended to characterize the districts and their legislative purpose.
54. “Story” means that portion of a building included between the surface of any floor and the surface of the floor next above it or, if there be no floor above it, then the space between the floor and the ceiling or roof next above it.
55. “Story, half” means a space under a sloping roof which has the line of intersection of roof decking and wall face not more than four (4) feet above the top floor level. A half-story containing independent apartments or living quarters shall be counted as a full story.
56. “Street” means all property dedicated or intended for public or private use for access to abutting land or subject to public easements therefor, and whether designated as a street, highway, thoroughfare, parkway, throughway, expressway, road, avenue, boulevard, lane, place, circle or however otherwise designated.
57. “Street line” means the right-of-way line of a street.
58. “Structural alteration” means any change in the supporting members of a building, such as bearing walls or partitions, columns, beams or girders, or any complete rebuilding of the roof or the exterior walls.
59. “Structure” means anything constructed or erected which requires location on the ground or attached to something having location on the ground, including signs and billboards, excluding temporary political and real estate signs, but including fences or walls used as fences.
60. “Swimming pool” means any structure that is intended for swimming or recreational bathing and contains water that is 24 inches deep or deeper at any point and is over 25 square feet in surface area. This includes temporary, permanent, in-ground, above-ground and on-ground swimming pools, spas, hot tubs, and fixed-in-place wading pools.
61. “Townhouse” means a one-family dwelling in a row of at least three (3) such units in which each unit has its own front and rear access to the outside, no unit is located over another unit and each unit is separated from any other unit by one or more common fire resistant walls.
62. “Use” means the purpose or activity for which a piece of land or its buildings is designed, arranged or intended or for which it is occupied or maintained.
63. “Variance” means a device used by the Board of Adjustment which grants a property owner relief from certain provisions of a Zoning Ordinance when, because of the

particular physical surroundings, shape or topographical condition of the property, compliance would result in particular hardship upon the owner, as distinguished from a mere inconvenience or a desire to make more money and which condition is not of the owner's own making.

64. "Yard" means an open space on the same lot with a building, unoccupied and unobstructed by any portion of a structure from 30 inches above the ground upward, except as otherwise provided herein. In measuring a yard for the purpose of determining the depth of a front yard or the depth of the rear yard, the least distance between the lot line and the main building shall be used. Fences and walls are permitted in any yard, subject to height limitations as indicated herein.
65. "Yard, front" means a yard extending across the width of the lot between the side yards and measured between the front lot line and the building or any projection thereof, other than the projection of the usual steps or unenclosed porches. Corner lots shall meet the front yard requirements on each street frontage. One yard on a corner lot shall be designated as a primary front yard, that being the yard that includes the front entrance to the house, the other being the secondary front yard. Accessory structures may be erected in the secondary front yard according to the bulk district regulations.
66. "Yard, rear" means a yard extending across the width of the lot between the side yards and measured between the rear lot line and the building or any projections other than steps, unenclosed balconies or unenclosed porches. On corner lots there shall be no rear yard required.
67. "Yard, side" means a yard extending from the front lot line to the rear lot line and measured between the side lot lines and the building. On corner lots the yards not designated as front yards shall be considered the side yards. Each corner lot shall have two fronts and two side yards.
68. "Zoning/Building Administrator" means the local official responsible for reviewing zoning/building permits and following a determination by the Zoning Board of Adjustment for special exceptions and variances. Decisions of the Administrator may be appealed to the Board of Adjustment. Permits are issued by the Zoning/Building Administrator.
69. "Zoning District" means a section of the City designated in the text of the Zoning Ordinance and delineated on the Zoning Map in which requirements for the use of land, the building and development standards are prescribed. Within each districts, all requirements are uniform.
70. "Zoning Map" – The map delineating the boundaries of districts which, along with the zoning text, comprises the Zoning Ordinance.

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

1. Lots,

2. Structures,
3. Uses of land and structures, and
4. Characteristics of use

that were lawful before the Zoning Ordinance was passed or amended, but which are prohibited, regulated, or restricted under the terms of this chapter or future amendments to the Zoning Ordinance. It is the intent of this chapter to permit these nonconformities to continue until they are removed, but not to encourage their survival. Further nonconformities shall not be enlarged upon, expanded or extended, nor be used as grounds for adding other structures or uses prohibited elsewhere in the same districts; however, it is the intent of this chapter to allow structures which were nonconforming under the previous Zoning Ordinance, but which are conforming under this chapter to be considered legal as of the date of adoption of the Zoning Ordinance and shall be allowed to be rebuilt, added to, or modified within the terms and requirements of this chapter. To avoid undue hardship, nothing in this chapter shall be deemed to require a change in the plans, construction or designated use of any building on which actual construction was lawfully begun prior to the effective date of adoption or amendment of the Zoning Ordinance and upon which actual building construction has been carried on diligently. Actual construction is hereby defined to include the placing of construction materials in permanent position and fastened in a permanent manner. Where excavation or demolition or removal of an existing building has been substantially begun preparatory to rebuilding, such excavation or demolition or removal shall be deemed to be actual construction, provided that work shall be carried on diligently.

**121.08 NONCONFORMING LOTS OF RECORD.** In any district in which single-family dwellings are permitted, a single-family dwelling and customary accessory buildings may be erected on any single lot of record provided that the lot is not less than 50 feet in width at the effective date of adoption or amendment of the Zoning Ordinance, except by special exception of the Board of Adjustment, notwithstanding limitations imposed by other provisions of the chapter. This provision shall apply even though such lot fails to meet the requirements for area or width, or both, if the lot conforms to the regulations for the district in which such lot is located.

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

1. No such nonconforming use shall be enlarged or increased, nor extended to occupy a greater area of land than was occupied at the effective date of adoption or amendment of this chapter.
2. No such nonconforming use shall be moved in whole or in part to any other portion of the lot or parcel occupied by such use at the effective date of adoption or amendment of this chapter.

3. If any such nonconforming use of land ceases for any reason for a period of twelve (12) months, then any subsequent use of such land shall conform to the regulations specified by this chapter for the district in which such land is located.
4. No additional structure not conforming to the requirements of this chapter shall be erected in connection with such nonconforming use of land unless erected at least 200 feet from all adjacent lot lines.

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

1. No such nonconforming structure may be enlarged or altered in such a way which increases its nonconformity, but any structure or portion thereof may be altered to decrease its nonconformity.
2. Should such nonconforming structure or nonconforming portion of structure be destroyed by any means to any extent, or be unoccupied for twelve (12) consecutive months, it shall be reviewed by the Board of Adjustment and may be allowed by special exception.
3. Should such structure be moved for any reason for any distance whatever, it shall thereafter conform to the regulations for the district in which it is located after it is moved

**121.11 NONCONFORMING USES OF STRUCTURES OR OF STRUCTURES AND PREMISES IN COMBINATION.** If lawful use involving individual structures with a replacement cost of \$1,000.00 or more, or of structure and premises in combination, exists at the effective date of adoption or amendment of the Zoning Ordinance that would not be allowed in the district under the terms of this chapter, the lawful use may be continued so long as it remains otherwise lawful, subject to the following provisions.

1. No existing structure devoted to a use not permitted by this chapter in the district in which it is located shall be enlarged, extended, constructed, reconstructed, or structurally altered except in changing the use of the structure to a use permitted in the district in which it is located.
2. Any nonconforming use may be extended throughout any parts of a building which were manifestly arranged or designed for such use at the time of adoption or amendment of the Zoning Ordinance, but no such use shall be extended to occupy any land outside such building.
3. If no structural alterations are made, any nonconforming use of a structure, or structure and premises, may as a special exception be changed to another nonconforming use provided that the Board of Adjustment, either by general rule or by making findings in the specific case, shall find that the proposed use is equally

appropriate or more appropriate to the district than the existing nonconforming use. In permitting such change, the Board of Adjustment may require appropriate conditions and safeguards in accordance with the provisions of this chapter.

4. Any structure, or structure and land in combination, in or on which a nonconforming use is superseded by a permitted use, shall thereafter conform to the regulations for the district, and the nonconforming use may not thereafter be resumed.
5. When a nonconforming use of a structure, or structure and premises in combination, is discontinued or abandoned for twelve (12) consecutive months or for eighteen (18) months during any three-year period (except when government action impedes access to the premises), the structure, or structure and premises in combination, shall not thereafter be used except in conformity with the regulations of the district in which it is located.
6. When nonconforming use status applies to a structure and premises in combination, removal or destruction of the structure shall eliminate the nonconforming status of the land. "Destruction," for the purpose of this subsection, is defined as damage to an extent of more than sixty percent (60%) of the replacement cost at time of destruction. Replacement shall begin within six (6) months of the time of destruction or the nonconforming status shall expire. Said construction shall also be completed within eighteen (18) months of the time of destruction or the nonconforming status shall expire.

**121.12 REPAIRS AND MAINTENANCE.** On any building devoted in whole or in part to any nonconforming use, work may be done on ordinary repairs, provided that the cubic content of the building as it existed at the time of passage or amendment of the Zoning Ordinance shall not be increased.

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

**121.14 ADMINISTRATION AND ENFORCEMENT.** A Zoning/Building Administrator appointed by the Mayor and approved by the Council shall administer and enforce this chapter. The Administrator may be provided with the assistance of such other persons as the Council may direct

**121.15 ZONING/BUILDING PERMITS REQUIRED.** No building or other structure shall be erected, moved, remodeled or added to, without a permit therefor issued by the Zoning/Building Administrator. No zoning/building permit shall be issued except in conformity with the provisions of this chapter, except after written order from the Board of Adjustment. Fees for permits shall be as provided by City resolution. Zoning/building permits shall be applied for with the City Clerk and shall expire eighteen (18) months after the date of issuance if work is begun within ninety (90) days of issuance or after ninety (90) days if not substantial beginning of construction has occurred. Extensions of time may be granted in writing by the Zoning/Building Administrator for good cause.

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

1. The minimum dwelling width shall be 20 feet at the exterior dimension.
2. All dwelling units including attached garages shall be placed on a permanent frost-free foundation.
3. All dwelling units shall provide for a minimum of nine hundred (900) square feet of interior living floor space.
4. All dwelling units shall have a minimum roof pitch of 3:12. This requirement shall not apply to manufactured housing if the housing otherwise complies with 42 U.S.C. Section 5403.

**121.17 SIDEWALKS.** Any development requiring a zoning/building permit shall be required to construct sidewalks upon any tract or platted lot within eighteen (18) months of issuance of the building permit unless said tract or platted lot has sidewalks as required in the Subdivision Regulations of the City, contained in Chapter 122 of this Code of Ordinances. In addition, if said tract or platted lot has sidewalks in compliance with said Subdivision Regulations, and the existing sidewalks are in a state of disrepair which poses an inconvenience or a danger to pedestrians, no zoning/building permit for a principal building shall be issued until an agreement is entered providing for construction within eighteen (18) months.

**121.18 BOARD OF ADJUSTMENT; ESTABLISHMENT AND PROCEDURE.**

1. Board Created. A Board of Adjustment is hereby established which shall consist of five (5) members. The terms of office of the members of the Board and the manner of their appointment shall be as provided by statute. Vacancies shall be filled for the unexpired term of any member whose term becomes vacant. A majority of the members of the Board of Adjustment shall be persons representing the public at large and shall not be involved in the business of purchasing or selling of real estate.
2. Proceedings of the Board of Adjustment. The Board of Adjustment shall adopt rules necessary to the conduct of its affairs and in keeping with the provisions of this chapter. Meetings shall be held at the call of the Chairperson and at such other time as the Board may determine. The Chairperson or, in that person's absence, the Acting Chairperson may administer oaths and compel the attendance of witnesses. All meetings shall be open to the public. The Board of Adjustment shall, through its Secretary, keep minutes of its proceedings, showing the vote of each member upon each question or if absent or failing to vote indicating such fact, and shall keep records of its examinations and other official actions, all of which shall be immediately filed in the office of the Board and shall be a public record. All actions of the Board concerning a special exception or variances shall also be recorded in the office of the County Recorder. It is the responsibility of the appellant to record said action and all corresponding stipulations; and further, said action shall take effect



upon the Board receiving sufficient confirmation of the same. A copy of said action shall also be filed in the office of the Zoning/Building Administrator.

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

1. Administrative Review. To hear and decide appeals where it is alleged there is an error in any order, requirements, decision, or determination made by the Zoning/Building Administrator in the enforcement of this chapter.
  - A. Appeals to the Board may be taken by any person aggrieved, or by any officer, department, board or bureau of the City affected by any decisions of the Zoning/Building Administrator. Such appeal shall be taken within ten (10) days by filing with the Zoning/Building Administrator, and with the Board, a notice of appeal specifying the grounds thereof. The Zoning/Building Administrator shall forthwith transmit to the Board all papers constituting the record upon which the action appealed from is taken.
  - B. The Board Chairperson shall fix a reasonable time for the hearing of the appeal, and give not less than four (4) nor more than twenty (20) days' public notice in a paper of general circulation in the City, and decide the same within thirty (30) days. At said hearing, any party may appear in person, by agent or by attorney.
  - C. Stay of Proceedings. An appeal stays all proceedings in furtherance of the action appealed from, unless the Zoning/Building Administrator from whom the appeal is taken certifies to the Board of Adjustment after the Notice of Appeal is filed with the Administrator, that by reason of facts stated in the certificate, a stay would, in the Administrator's opinion, cause imminent peril to life and property. In such case, proceedings shall not be stayed other than by restraining order which may be granted by the Board of Adjustment or by a court of record on application, on notice to the Zoning/Building Administrator from whom the appeal is taken and on due cause shown.
2. Special Exceptions. Conditions Governing Applications; Procedures. To hear and decide only such special exceptions as the Board of Adjustment is specifically authorized to pass on by the terms of this chapter; to decide such questions as are involved in determining whether special exceptions should be granted; and to grant special exceptions with such conditions and safeguards as are appropriate under this chapter, or to deny special exceptions when not in harmony with the purpose and intent of this chapter. A special exception shall not be granted by the Board of Adjustment unless and until:
  - A. A written application for a special exception is submitted indicating the section of this chapter under which the special exception is sought and stating the grounds on which it is requested.
  - B. The Board shall fix a reasonable time for the hearing of the special exception, and give not less than four (4) nor more than twenty (20) days' public notice

in a paper of general circulation in the City, and decide the same within thirty (30) days.

- C. The public hearing shall be held. Any party may appear in person, or by agent or attorney.
- D. The Board of Adjustment shall make a finding that it is empowered under the section of this chapter described in the application to grant the special exception, and that the granting of the special exception will not adversely affect the public interest.

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

- A. A written application for a variance is submitted demonstrating:
  - (1) That special conditions and circumstances exist which are peculiar to land, structure, or building involved and which are not applicable to other lands, structures, or buildings in the same district;
  - (2) That literal interpretation of the provisions of this chapter would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this chapter;
  - (3) That the special conditions and circumstances do not result from the actions of the applicant;
  - (4) That granting the variance requested will not confer on the applicant any special privilege that is denied by this chapter to other lands, structures, or buildings in the same district.

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

- B. The Board shall fix a reasonable time for the hearing of the variance, and give not less than four (4), nor more than twenty (20) days' public notice in a paper of general circulation in the City, and decide the same within thirty (30) days.
- C. The public hearing shall be held. Any party may appear in person, or by agent or by attorney.
- D. The Board of Adjustment shall make findings that requirements of Section 121.21(3)(A) have been met by the applicant for a variance.

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

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

In granting any variance, the Board of Adjustment may prescribe appropriate conditions and safeguards in conformity with this chapter. Violation of such conditions and safeguards, when made a part of the terms under which the variance is granted, shall be deemed a violation of this chapter and punishable under this chapter. Under no circumstances shall the Board of Adjustment grant a variance to allow a use not permissible under the terms of this chapter in the district involved or any use expressly or by implication prohibited by the terms of this chapter in said district.

The concurring vote of the majority of the Board is necessary to reverse any order, requirement, decision, or determination of the Zoning/Building Administrator, or to decide in favor of the applicant on any matter upon which it is required to pass under this chapter, or to effect any variation in the application of this chapter.

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

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

A-2	Limited Agricultural District
P-1	Recreational District
R-2	One and Two-Family Residential District
R-3	Multi-Family Residential District
C-2	General Office and Retail District
M-1	Industrial District

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

**121.22 A-2 – LIMITED AGRICULTURAL DISTRICT.**

1. Intent. This district is intended to provide for areas in which agriculture and related uses are encouraged as the principal use of land. However, uses which may be offensive to the surrounding area or to the community as a whole by reasons of

noise, dust, smoke, odor, traffic or physical appearance or other similar factors are not permitted. The district prohibits urban density residential use until these areas may be served by utilities and services of the City. This district is also intended to preserve land suited for eventual development into other uses, pending proper timing for economical and practical provisions of streets, utilities, schools and other facilities so that reasonably compact development will occur and the fiscal integrity of the City of preserved. All newly annexed areas to the City will automatically be placed into this district classification unless otherwise suitably classified.

2. Permitted Uses. The following uses are permitted in the A-2 District:
  - A. Agriculture, including the usual agricultural buildings and structures, except that no livestock shall be housed within this district and within the City limits
  - B. Home occupations.
3. Accessory Uses. Uses of land or structure customarily incidental and subordinate to a permitted use in the A-2 District:
  - A. Living quarters of persons employed on the premises and not rented or otherwise used as a separate dwelling.
  - B. Private garages, barns and other farm buildings.
  - C. Roadside stands offering for sale only agricultural products or other products produced on the premises.
  - D. Temporary buildings for the uses incidental to construction work. Such buildings shall be removed upon the completion or abandonment of the construction work.
  - E. Satellite dishes.
4. Special Exceptions. Certain uses may be permitted in the A-2 District subject to specific conditions and requirements intended to make them compatible with and acceptable to adjacent uses:
  - A. Cemeteries, crematories or mausoleums.
  - B. Commercial kennels.
  - C. Stables, private or public.
  - D. Greenhouses and nurseries.
  - E. Publicly operated sanitary landfills.
  - F. Private recreational camps, golf courses and recreational facilities.

- G. Public or private utility substations, relay stations, etc.
  - H. Churches or accessory facilities (on- or off-site).
  - I. Publicly owned and operated buildings and facilities.
5. Bulk Regulations. The following requirements shall provide for light and air around permitted uses and buildings in the A-2 District.

Min. Lot Area	Min. Lot Width	Min. Front Yard	Min. Side Yard	Min. Rear Yard	Max. Height (the lesser of)
1 acre	300 feet	60 feet	30 feet	100 feet	2½ stories or 30 feet, excluding farm buildings

6. Off-street Parking. The following off-street parking requirements shall apply in the A-2 District:
- A. Dwellings: two (2) parking spaces on the lot for each living unit in the building. For dwellings not consisting of living units: two (2) parking spaces on the lot for each 1,000 square feet of floor area.
  - B. Churches: one (1) parking space on the lot for each five (5) seats in the main auditorium.
  - C. Public buildings and facilities: one (1) parking space for each three hundred (300) square feet of gross floor area.
  - D. Roadside stands: one (1) parking space for each fifty (50) square feet of enclosed floor area.
  - E. Greenhouses and nurseries: one (1) parking space per one thousand (1,000) square feet of enclosed floor area.
7. Off-street Loading. The following off-street loading requirements shall apply in the A-2 District:
- A. All activities or uses allowed in the A-2 District shall be provided with adequate receiving facilities accessible by motor vehicle off any adjacent service drive or open space on the same zoning lot.
  - B. Loading shall not be permitted to block public right-of-way.
8. Signs. The following sign regulations shall apply to the A-2 District:

- A. Off-premises signs and on-premises signs are permitted.
- B. No sign may be lighted in a manner which impairs the vision of the driver of any motor vehicle.
- C. No sign may obstruct the view of any highway or railroad so as to render dangerous the use of the highway.
- D. No sign may imitate or resemble an official traffic control sign, signal or device.
- E. Signs shall not encroach or extend over public right-of-way.
- F. No sign may obscure or physically interfere with an official traffic control sign, signal or device.
- G. No advertisement or advertising structure shall be posted, erected or maintained which stimulates any official, directional or warning sign erected or maintained by the State, County, City or other governmental subdivision or which incorporates or makes use of lights simulating or resembling traffic signals or control signs.
- H. No advertisement shall be posted or maintained on rocks, fences, trees, or other perennial plants, or on poles maintained by public utilities.

**121.23 P-1 – RECREATIONAL DISTRICT**

1. Intent. This district is intended to provide areas for recreational use for the residents of Yale. These areas are intended to preserve open space for recreational, educational, and to prevent, in those areas which are subject to periodic flooding and wetness, development which would result in a hazard to health or safety or be otherwise incompatible with the public welfare.
2. Permitted Uses. The following uses are permitted in the P-1 District:
  - A. Undeveloped and unused land in its natural condition.
  - B. Public parks, playgrounds, and recreation open space.
3. Accessory Uses. Uses of land or structure customarily incidental and subordinate to a permitted use in the P-1 District:
  - A. Agriculture, exclusive of dwelling units.
  - B. Agricultural or recreational buildings or structures whose use or value would not be impaired by being flooded.
  - C. Flood control structures.

- D. Roadside stands offering for sale only agricultural products or other products produced on the premises, provided such roadside stands are located not less than twenty (20) feet from a street or highway right-of-way boundary.
  - E. Temporary buildings for uses incidental to construction work. Such buildings shall be removed upon the completion or abandonment of the construction work.
4. Special Exceptions. Certain uses may be permitted in the P-1 District subject to specific conditions and requirements intended to make them compatible with and acceptable to adjacent uses.
- A. Cemeteries, crematories or mausoleums.
  - B. Stables, private or public.
  - C. Greenhouses and nurseries.
  - D. Private recreational uses.
  - E. Public or private utility substations, relay stations, etc.
  - F. Publicly owned buildings and facilities.
5. Bulk Regulations. The following requirements shall provide for light and air around permitted uses and buildings in the P-1 District:

Min. Lot Area	Min. Lot Width	Min. Front Yard	Min. Side Yard	Min. Rear Yard	Max. Height (the lesser of)
1 acre	300 feet	Along State and Federal roads – 80 feet; all other roads – 60 feet	30 feet	100 feet	2½ stories or 30 feet, excluding farm buildings

1. Off-street Parking. The following off-street parking requirements shall apply in the P-1 District:
- A. Roadside stands; one (1) parking space for each fifty (50) square feet of floor area.
  - B. Greenhouses and nurseries: one (1) parking space per one thousand (1,000) square feet of enclosed floor area.
2. Off-street Loading. The following off-street loading requirements shall apply in the P-1 District:

- A. All activities or uses allowed in the P-1 District shall be provided with adequate receiving facilities accessible by motor vehicle off any adjacent service drive or open space on the same zoning lot.
  - B. Loading shall not be permitted to encroach public right-of-way.
3. Signs. The following sign regulations shall apply to the P-1 District:
- A. Off-premises signs, except for real estate or political signs, are not permitted.
  - B. No sign may be lighted in a manner which impairs the vision of the driver of any motor vehicle.
  - C. No sign may obstruct the view of any highway or railroad so as to render dangerous the use of the highway.
  - D. No sign may imitate or resemble an official traffic control sign, signal or device.
  - E. Signs shall not encroach or extend over public right-of-way.
  - F. No sign may obscure or physically interfere with an official traffic control sign, signal or device.
  - G. No advertisement or advertising structure shall be posted, erected or maintained which simulates any official, directional or warning sign erected or maintained by the State, County, City or other governmental subdivision or which incorporates or makes use of lights simulating or resembling traffic signals or control signs.
  - H. No advertisement shall be posted or maintained on rocks, fences, trees, or other perennial plants, or on poles maintained by public utilities.

**121.24 R-2 – ONE AND TWO-FAMILY RESIDENTIAL DISTRICT.**

- 1. Intent. This district is intended to provide for a variety of primarily single-family residential areas where public utilities and services are available and to encourage a suitable living environment through the promotion of public health, safety and welfare. Low and medium population density neighborhoods are recognized and provided for by varying the minimum bulk regulations. Criteria such as topography, soil types, access, traffic load on streets, schools, utilities, recreation and other public facilities shall be taken into consideration when the lot area requirement is established for the various single-family residential areas of the City.
- 2. Permitted Uses. The following uses are permitted in the R-2 District:
  - A. Single-family detached dwellings.



- B. Two-family owner-occupied dwellings, such as duplexes
  - C. Family homes.
  - D. Home occupations.
3. Accessory Uses. Uses of land or structure customarily incidental and subordinate to a permitted use in the R-2 District:
- A. Private garages.
  - B. Private recreational facilities.
  - C. Temporary buildings for uses incidental to construction work, which buildings shall be removed upon the completion or abandonment of the construction work.
4. Accessory Buildings. No accessory building may be in any required primary front yard and no separate accessory building may be erected within ten (10) feet of a main building. No accessory building shall be closer than four (4) feet to the rear or side lot line. Accessory buildings located in the rear yard may not occupy more than thirty percent (30%) of the rear yard. No accessory building shall be used without occupancy of the principal building.
5. Special Exceptions. Certain uses may be permitted in the R-2 District subject to specific conditions and requirements intended to make them compatible with and acceptable to adjacent uses.
- A. Nursery schools.
  - B. Public or private utility substations, relay stations, etc.
  - C. Churches.
  - D. Publicly owned and operated buildings and facilities.
  - E. Private schools with a curriculum similar to public schools.
  - F. Golf courses but not miniature courses or separate driving tees.
  - G. Bed and breakfast houses.
  - H. Hospitals.
  - I. Home occupations in accessory buildings.
  - J. Multiple-family dwellings.

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

6. Bulk Regulations. The following requirements shall provide for light and air around permitted residential uses and buildings in the R-2 District:

Min. Lot Area (sq. ft.)	Min. Lot Width (feet)	*Min. Front Yard (feet)	Min. Side Yard (feet)	Min. Rear Yard (feet)	Max. Height (the lesser of)
7500	66	30	7	35	1½ stories or 30 feet *
7500	66	32	9	35	2½ stories or 35 feet *
* Provided that the front yard set-back is not closer to the right-of-way than either adjacent property.					

7. Off-street Parking. The following off-street parking requirements shall apply in the R-2 District:

- A. Dwellings: two (2) parking spaces on the lot for each living unit in the building. For dwellings not consisting of living units: two (2) parking spaces on the lot for each one thousand (1,000) square feet of floor area.
- B. Churches: one (1) parking space on the lot for each five (5) seats in the main auditorium.
- C. Elementary, junior high and equivalent private or parochial schools: one (1) parking space for each classroom and office plus one (1) parking space for each three hundred (300) square feet of gross floor area in the auditorium or gymnasium.
- D. Senior high schools and equivalent private or parochial schools: one (1) parking space for each employee and one (1) parking space for each ten (10) students.
- E. Colleges, universities, institutions or higher learning, and equivalent private or parochial schools: one (1) parking space for each employee and one (1) parking space for each five (5) students.
- F. Public buildings and facilities: one parking space for each three hundred (300) square feet of gross floor area.
- G. Nursery schools: one and one-half (1 1/2) parking spaces per employee.

8. Off-street Loading. The following off-street loading requirements shall apply in the R-2 District:
  - A. All activities or uses allowed in the R-2 District shall be provided with adequate receiving facilities accessible by motor vehicle off any adjacent service drive or open space on the same zoning lot.
  - B. Loading shall not be permitted to block public right-of-way.
9. Signs. The following sign regulations shall apply to the R-2 District:
  - A. Off-premises signs are not permitted.
  - B. No sign may be lighted in a manner which impairs the vision of the driver of any motor vehicle.
  - C. No sign may obstruct the view of any highway or railroad so as to render dangerous the use of the highway.
  - D. No sign may imitate or resemble an official traffic control sign, signal or device.
  - E. Signs shall not encroach or extend over public right-of-way.
  - F. No sign may obscure or physically interfere with an official traffic control sign, signal or device.
  - G. No advertisement or advertising structure shall be posted, erected or maintained which simulates any official, directional or warning sign erected or maintained by the State, County, City or other governmental subdivision or which incorporates or makes use of lights simulating or resembling traffic signals or control signs.
  - H. No advertisement shall be posted or maintained on rocks, fences, trees, or other perennial plants, or on poles maintained by public utilities.

#### **121.25 R-3 – RESIDENTIAL MULTI-FAMILY DISTRICT.**

1. Intent. This district is intended to provide for a variety of multi-family residential areas where public utilities and services are available and to encourage a suitable living environment through the promotion of public health, safety and welfare. Medium and high population density neighborhoods are recognized and provided for by varying the minimum bulk regulations. Criteria such as topography, soil types, access, traffic load on streets, schools, utilities, recreation and other public facilities shall be taken into consideration when the lot area requirement is established for the various multi-family residential areas of the City.
2. Permitted Uses. The following uses are permitted in the R-3 District:

- A. Single-family detached dwellings.
  - B. Multi-family dwellings (as per Bulk Regulations).
  - C. Home occupations.
  - D. Family homes.
  - E. Townhouses.
3. Accessory Uses. Uses of land or structure customarily incidental and subordinate to a permitted use in the R-3 District:
- A. Private garages.
  - B. Parking lots.
  - C. Private recreational facilities.
  - D. Temporary buildings for uses incidental to construction work, which buildings shall be removed upon the completion or abandonment of the construction work.
4. Accessory Buildings. No accessory building may be in any required primary front yard and no separate accessory building may be erected within ten (10) feet of a main building. No accessory building shall be closer than four (4) feet to the rear or side lot line. Accessory buildings located in the rear yard may not occupy more than thirty percent (30%) of the rear yard. No accessory buildings shall be used without occupancy of the principal building.
5. Special Exceptions. Certain uses may be permitted in the R-3 District subject to specific conditions and requirements intended to make them compatible with and acceptable to adjacent uses.
- A. Nursery schools.
  - B. Public or private utility substations, relay stations, etc.
  - C. Churches and publicly owned and operated buildings and facilities.
  - D. Private schools with curriculum similar to public schools.
  - E. Lodging houses, dormitories, fraternities and sororities.
  - F. Bed and breakfast houses.
  - G. Health care facilities.

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

6. Bulk regulations. The following requirements shall provide for light and air around permitted residential uses and buildings in the R-3 District.

Min. Lot Area (sq. ft.)	Min. Lot Width (feet)	Min. Front Yard (feet)	Min. Side Yard (feet)	Min. Rear Yard (feet)	Max. Height (feet)
10,000	80	30	8	30	45

7. Off-street Parking. The following off-street parking requirements shall apply in the R-3 District:

- A. Single-family dwellings: two (2) parking spaces on the lot.
- B. Multi-family dwellings: one (1) parking space on the lot for each dwelling unit.
- C. Churches: one (1) parking space on the lot for each five (5) seats in the main auditorium.
- D. Elementary, junior high and equivalent private or parochial schools: one (1) parking space for each classroom and office plus one (1) parking space per each three hundred (300) square feet of gross floor area in auditorium or gymnasium.
- E. Senior high schools and equivalent private or parochial schools: one (1) parking space for each employee and one (1) parking space for each ten (10) students.
- F. Colleges, universities, institutions of higher learning, and equivalent private or parochial schools: one (1) parking space for each employee and one (1) parking space for each five (5) students.
- G. Public buildings and facilities: one (1) parking space for each three hundred (300) square feet of gross floor area.
- H. Nursery schools: one and one-half (1½) parking spaces per employee.

8. Off-street Loading. The following off-street loading requirements shall apply in the R-3 District:

- A. All activities or uses allowed in the R-3 District shall be provided with adequate receiving facilities accessible by motor vehicle off any adjacent service drive or open space on the same zoning lot.
  - B. Loading shall not be permitted to encroach public right-of-way.
9. Signs. The following sign regulations shall apply to the R-3 District:
- A. Off-premises signs are not permitted.
  - B. No sign may be lighted in a manner which impairs the vision of the driver of any motor vehicle.
  - C. No sign may obstruct the view of any highway or railroad so as to render dangerous the use of the highway.
  - D. No sign may imitate or resemble an official traffic control sign, signal or device.
  - E. Signs shall not encroach or extend over public right-of-way.
  - F. No sign may obscure or physically interfere with an official traffic control sign, signal or device.
  - G. No advertisement or advertising structure shall be posted, erected or maintained which simulates any official, directional or warning sign erected or maintained by the State, County, City or other governmental subdivision or which incorporates or makes use of lights simulating or resembling traffic signals or control signs.
  - H. No advertisement shall be posted or maintained on rocks, fences, trees, or other perennial plants, or on poles maintained by public utilities.

**121.26 RESERVED**

**121.27 C-2 GENERAL OFFICE AND RETAIL**

- 1. Intent. This district is intended to provide for certain areas of the City for the development of service, retail, and other nonresidential uses which because of certain locational requirements and operational characteristics are appropriately located in close proximity to arterial and other main thoroughfares. Residential type structures are also permitted. The district is further characterized by a typical need for large lot sizes, off-street parking, adequate setbacks, clear vision, safe ingress and egress and access to other adjacent thoroughfares.
- 2. Permitted Uses.

- A. Sales and display rooms and lots, including yards for the storage or display of new or used building materials but not for any scrap or salvage operation storage or sales.
  - B. Offices and clinics.
  - C. Churches and publicly owned and operated buildings and facilities.
  - D. Hotels and motels.
  - E. Any other retail or service sales business, including food preparation for sale off-premises.
  - F. Publicly owned and operated buildings and facilities.
  - G. Business sales and services conducted entirely within the building, including those with incidental manufacturing or processing of goods or products.
3. Accessory Uses. Uses of land or structures customarily incidental and subordinate to a permitted use in the C-2 District:
- A. Private recreational facilities.
  - B. Private garages.
  - C. Parking lots.
  - D. Temporary buildings for the uses incidental to construction work. Such buildings shall be removed upon the completion or abandonment of the construction work.
  - E. Accessory uses customarily incidental to any permitted principal use.
  - F. Outdoor sales and service
4. Special Exceptions. Certain uses may be permitted in the C-2 District subject to specific conditions and requirements intended to make them compatible with and acceptable to adjacent uses.
- A. Public or private utility substations, relay stations, etc.
  - B. Satellite dishes. The place of satellite dish antennas, either permanent or temporary, shall be considered as accessory buildings. When the dish is attached to a main building or other structure, the owner must adhere to the State Building Code. No satellite dish shall exceed a diameter of twelve (12) feet except for commercial use.
  - C. Service stations and the sales of petroleum products.

- D. Car washes.
  - E. Churches or accessory facilities (on – or off-site).
5. Bulk Regulations. The following requirements shall provide for light and air around permitted uses and buildings in the C-2 District:

Min. Lot Area	Min. Lot Width	Min. Front Yard	Min. Side Yard	Min. Rear Yard	Max. Height (the lesser of)
10,000	80	None, except if a front yard is provided, it shall be a minimum of 30 feet	None, except if a side yard is provided, it shall be a minimum of 8 feet	None, except if a rear yard is provided, it shall be a minimum of 20 feet	45 feet or 3 stories

6. Off-street Parking. The following off-street parking requirements shall apply in the C-2 District:
- A. Sales and service buildings: one (1) parking space per one hundred fifty (150) square feet of gross floor area.
  - B. Offices/clinics: one (1) parking space per three hundred (300) square feet of gross floor area.
  - C. Churches: one (1) parking space on the lot for each five (5) seats in the main auditorium.
  - D. Public buildings and facilities: one (1) parking space per three hundred (300) square feet of gross floor area.
  - E. Hotels and motels: one (1) parking space per room plus one (1) parking space for each employee.
  - F. Off-street parking is not required for properties located in the portion of this district located on Main Street between Oak and Hill Streets.
7. Off-street Loading. The following off-street loading requirements shall apply in the C-2 District:
- A. All activities or uses allowed in the C-2 District shall be provided with adequate receiving facilities accessible by motor vehicle off any adjacent service drive or open space on the same zoning lot.
  - B. Loading shall not be permitted to block public right-of-way.
8. Signs. The following sign regulations shall apply to the C-2 District:



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

**121.28 RESERVED.**

**121.29 M-1 –INDUSTRIAL DISTRICT.**

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

2. Permitted Uses. The following uses are permitted in the M-1 District:
  - A. Any nonresidential buildings or use which would not be hazardous, obnoxious, offensive or unsightly by reason of odor, sound, vibrations, radioactivity, electrical interference, glares, liquid or solid waste, smoke, or other air pollutants.
  - B. Storage, manufacture, compounding, processing, packing and/or treatment of products, exclusive of the rendering or refining of fats and/or oils.
  - C. Manufacture, compounding, assembly and/or treatment of articles or merchandise derived from previously prepared materials.
  - D. Assembly of appliances and equipment, including manufacture of small parts.
  - E. Wholesale distribution of all standard types of prepared or packaged merchandise.
  - F. Sale and storage of building materials. Outdoor or open storage shall be allowed only when the material is enclosed within a solid fence at least six feet high and said fence being within required building lines.
  - G. Contractors' offices and storage of equipment.
  - H. Public or private utility substations, relay stations, etc.
3. Accessory Uses. Uses of land or structure customarily incidental and subordinate to a permitted use in the M-1 District:
  - A. Accessory buildings and uses customarily incidental to a permitted use.
  - B. Living quarters for watchmen or custodians of industrial properties.
4. Special Exceptions. Certain uses may be permitted in the M-1 District subject to specific conditions and requirements intended to make them compatible with and acceptable to adjacent uses.
5. Bulk Regulations. The following requirements shall provide for light and air around permitted uses and buildings in the M-1 District:

Min. Lot Area	Min. Lot Width	Min. Front Yard	Min. Side Yard	Min. Rear Yard	Max. Height (the lesser of)
10,000 sq. ft.	80 feet	30 feet	8 feet, except that if adjacent to an "R-2" or "R-3" district, then it shall be 20 feet	30 feet	3 stories or 50 feet

6. Off-street Parking. The following off-street parking requirements shall apply in the M-1 District:
  - A. All commercial uses shall provide one (1) parking space on the lot for each three hundred (300) square feet of floor area.
  - B. All industrial uses shall provide one (1) parking space on the lot for each two (2) employees of maximum number employed at any one time.
7. Off-street Loading. The following off-street loading requirements shall apply in the M-1 District:
  - A. All activities or uses allowed in the M-1 District shall be provided with adequate receiving facilities accessible by motor vehicle off any adjacent service drive or open space on the same zoning lot.
  - B. Loading shall not be permitted to encroach public right-of-way.
8. Signs. The following sign regulations shall apply to the M-1 District:
  - A. Off-premises signs are not permitted.
  - B. On-premises signs are permitted.
  - C. No sign may be lighted in a manner which impairs the vision of the driver of any motor vehicle.
  - D. No sign may obstruct the view of any highway or railroad so as to render dangerous the use of the highway.
  - E. No sign may imitate or resemble an official traffic control sign, signal or device.
  - F. Signs shall not encroach or extend over public right-of-way.
  - G. No sign may obscure or physically interfere with an official traffic control sign, signal or device.
  - H. No advertisement or advertising structure shall be posted, erected or maintained which simulates any official, directional or warning sign erected or maintained by the State, County, City or other governmental subdivision or which incorporates or makes use of lights simulating or resembling traffic signals or control signs.
  - I. No advertisement shall be posted or maintained on rocks, fences, trees, or other perennial plants, or on poles maintained by public utilities.

## 121.30 RESERVED

### 121.31 SUPPLEMENTARY DISTRICT REGULATIONS.

1. Building Lines on Approved Plats. Whenever the plat of land subdivision approved by the Commission and on record in the office of the County Recorder shows a building line along any frontage for the purpose of creating a front yard or side street yard line, the building line thus shown shall apply along such frontage in place of any other yard line required in this chapter unless specific yard requirements in this chapter require a greater setback.
2. Structures to Have Access. Every building hereafter erected or moved shall be on a lot adjacent to a public street, or with access to an approved private street, and all structures shall be so located on lots as to provide safe and convenient access for servicing, fire protection, and required off-street parking.
3. Erection of More Than One Principal Structure on a Lot. In any district, more than one structure housing a permitted or permissible principal use may be erected on a single lot, provided that yard and other requirements of this chapter shall be met for each structure as though it were on an individual lot.
4. Accessory Buildings. No accessory building may be erected in any required front yard and no separate accessory building may be within then (10) feet of a main building. No accessory buildings shall be closer than four (4) feet to the rear or side lot line. Accessory buildings located in the rear yard may not occupy more than thirty percent (30%) of the rear yard. No accessory building shall be used without occupancy of the principal building. If a garage is entered directly from an alley in a perpendicular or nearly perpendicular manner, the garage setback shall be fifteen (15) feet.
5. Fences. Fences and hedges shall not exceed four (4) feet in height or be more than seventy-five percent (75%) solid in any required front yard and shall not exceed six (6) feet in height on any remaining part of the lot except by special exception of the Board of Adjustment.
6. Height Limits. Chimneys, church steeples, cooling towers, elevator bulkheads, fire towers, monuments, stacks, stage towers or scenery lofts, tank, water towers, ornamental towers, spires, wireless tower, grain elevators, or necessary mechanical appurtenances may be exempt from the height regulations contained in this chapter by special exception of the Board of Adjustment.
7. Sills, belt courses, cornices, and ornamental features may project only two (2) feet into a required yard.
8. Open fire escapes, fireproof outside stairways and balconies opening upon fire towers, and the ordinary projections of chimneys and flues into a rear yard for a distance of not more than three and one-half (3 ½) feet when so placed as not to

- obstruct light and ventilation, may be permitted by the Zoning/Building Administrator.
9. Unenclosed porches twenty (20) square feet and under not extending more than five (5) feet into the required front yard are allowed. A building permit is required, but no fee will be charged. Other unenclosed porches may be allowed to extend into the front yard by special exception of the Board of Adjustment.
  10. Terraces which do not extend above the level of the ground (first) floor may project into a required yard, provided these projections are distant at least two (2) feet from the adjacent side lot line.
  11. Nothing in this chapter shall have the effect of prohibiting utility service lines.
  12. All vehicular parking spaces located in required front yards shall be a minimum of ten (10) feet in width and be surfaced with gravel, concrete, or asphalt.
  13. Private swimming pools in Residential Districts. Swimming pools shall be allowed only in rear yards and shall not be allowed in front or side yards.
    - A. Prior to installation or placement of a swimming pool, a swimming pool installation permit is required.
      - i. Application for permit shall include the following:
        - a) Owner's name
        - b) Owner's address
        - c) Dimensions of swimming pool
        - d) Rough sketch of swimming pool location on lot showing dimensions of setbacks.
        - e) Proof of liability insurance
      - ii. Swimming pool permits for temporary pools are valid for one year after approval.
      - iii. There shall be no fee for application.
    - B. Swimming pools must be at least six (6) feet from the nearest lot line and shall be surrounded by a permanent fence of not less than forty-eight (48) inches in height from ground level and shall be equipped with a self locking gate across any opening or removable ladder, so as to render the swimming pool inaccessible when the swimming pool is not in use.
    - C. The maximum area of any swimming pool shall not exceed fifteen percent (15%) of the total lot area.
    - D. The maximum height of swimming pools is four (4) feet above the finished grade level of the ground surrounding the swimming pool.
    - E. Swimming pools, or any portion thereof, shall not be located directly under any electrical service wires or cables.

14. On a corner lot in any district, nothing shall be erected, placed, planted or allowed to grow in such a manner as materially to impede vision between a height of three (3) and ten (10) feet above the centerline grades of the intersecting streets in the area bounded by the street lines of such corner lots and a line joining points along said street lines twenty-five (25) feet from the point of the intersection, except in the C-2 district.
15. **Front Yard Modifications & Exceptions**
- A. Bay windows or balconies occupying in the aggregate not more than 1/3 of the front wall, open fire escapes, and the ordinary projection of fireplaces and flues may project 3 & 1/2 feet into a required yard if so approved and permitted by the Zoning/Building Administrator.
- B. Belt courses, leaders, sills, pilasters, or other decorative features may project no more than two (2) feet into a required yard.
- C. Open, unenclosed and uncovered porches and stairs may extend up to ten (10) feet into a front yard by special exception of the board of adjustment.
- D. In any district where the average depth of two or more existing front yards on lots within 100 feet of the lot in question and within the same block front is less than the minimum front yard setback prescribed, front yard setbacks may be varied.

The depth of the front yard setback on such lot shall not be less than the average of said existing front yards or the average depth on the two lots immediately adjoining, or, in the case of a corner lot, the depth of the front yard on a lot in any residential district shall be at least fifteen (15) feet.

16. **Side Yard Modifications & Exceptions.**
- A. Along any district boundary line, any abutting side yard setback on a lot in the less restricted district shall have at least width equal to that required in the more restrictive district.
- B. Side yard setbacks may be reduced by three (3) inches from the otherwise required least width of each side yard setback for each foot by which a lot of record at the time of enactment of this Ordinance is narrower than the minimum lot width specified for the district in which the lot is located, provided the owner of record does not own any adjoining property, and provided that no side yard shall be narrower at any point than three (3) feet.

<b>Sample Calculation of Side Yard Setback Reductions for Existing Lots Smaller than Minimum Requirements of this Ordinance</b>				
<i>Actual Lot Width</i>	<i>Minimum Required</i>	<i>Difference</i>	<i>x3 inches =</i>	60 inches ÷ 12 inches (1 foot) =
50 feet	70 feet	20 feet	60 inches	<b>5 feet</b> (total reduction in side yard setback, or 2 1/2 feet for each side yard)

17. Accessory Buildings & Structures. No accessory building, including detached private garages, storage sheds, doghouses or runs, or any other such structure may be constructed in any required front yard. Such structures may be constructed in a side or rear yard provided the structure is not closer than five (5) feet from any side yard or rear lot line. Accessory buildings and structures shall be kept a minimum of five (5) feet from the principal building, and the total area of all accessory buildings and structures (in aggregate) shall not occupy more than thirty percent (30%) of a required rear or side yard. Accessory buildings or structures may not exceed fifteen (15) feet in height except by special exception of the Board of Adjustment.

There shall be no more than three (3) accessory buildings or structures on any property unless so approved by special exception by the Board of Adjustment, (i.e., a detached garage, garden shed, and dog run would be considered three accessory structures and would constitute the maximum.) All accessory buildings, including garages and storage sheds, in residential districts shall be constructed with materials and finishes that conform in style and aesthetics to the principal structure (house, apartment, etc.) on the property, and fit in with the character of the surrounding residential properties.

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

**121.33 AMENDMENTS.** The regulations, restrictions, and boundaries may, from time to time, be amended, supplemented, changed, modified, or repealed, provided that at least seven (7) days' notice of the time and place of such hearing shall be published in a paper of general circulation in the City. In no case shall the notice be published more than twenty (20) days prior to the hearing. The regulations, restrictions, and boundaries may, from time to time, be amended, supplemented, changed, modified, or repealed. Notwithstanding Section 414.2, as a part of an ordinance changing land from one zoning district to another zoning district or an ordinance approving a site development plan, the Council may impose conditions on a property owner which are in addition to existing regulations if the additional conditions have been agreed to in writing by the property owner before the public hearing required under this section or any adjournment of the hearing. The conditions must be reasonable and imposed to satisfy public needs which are directly caused by the requested change. In case, however, of a written protest against a change or repeal which is filed with the City Clerk and signed by the owners of twenty percent (20%) or more of the property which is located within two hundred (200) feet of the exterior boundaries of the property for which the change or repeal is proposed, the change or repeal shall not become effective except by the favorable vote of at least three-fourths (3/4) of all the members of the Council. The protest, if filed, must be filed before or at the public hearing. Proposed amendments not recommended by the Planning and Zoning Commission shall become effective only upon a favorable vote of three-fourths (3/4) of the members of the City Council. All zoning amendment application forms shall be approved by resolution of the City Council.

**121.34 PENALTIES FOR VIOLATION.** Violation of the provisions of this chapter with any of its requirements (including violations of conditions and safeguards established in connection with grants of variances or special exceptions) shall constitute a misdemeanor. Any person who violates this chapter or fails to comply with any of its requirements shall upon conviction thereof be fined not more than one hundred dollars (\$100.00) or be imprisoned for not more than thirty (30) days. Each day such violation continues shall be considered a separate offense. Nothing herein contained shall prevent the City from taking such other legal action as is necessary to prevent any violation.

**165.35 SCHEDULE OF FEES, CHARGES, AND EXPENSES.** The City Council shall establish a schedule of fees, charges, and expenses and a collection procedure for zoning district changes, zoning permits, appeals, and other matters pertaining to this chapter. The schedule of fees shall be posted in the office of the Zoning/Building Administrator, and the City Clerk, and may be altered or amended only by the City Council, as recommended by the Planning and Zoning Commission. Until all applicable fees, charges, and expenses have been paid in full, no action shall be taken on any application or appeal.

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