CHAPTER 165

ZONING REGULATIONS

GENERAL PROVISIONS AND DEFINITIONS
165.01 Purpose
165.02 Application of District Regulations
165.03 Establishment of Districts; Official Zoning Map
165.04 Rules for Interpretation of District Boundaries
165.05 Definitions

NONCONFORMITIES
165.10 Intent
165.11 Nonconforming Lots of Record
165.12 Nonconforming Uses of Land (or Land with Minor Structures Only)
165.13 Nonconforming Structures
165.14 Nonconforming Uses of Structures or of Structures and Premises in Combination
165.15 Repairs and Maintenance
165.16 Uses Under Special Exception Provisions Not Nonconforming Uses

DISTRICT REGULATIONS
165.20 Districts Established
165.22 AG - Agricultural District
165.24 LD - Limited Development District
165.26 RS - Residential Single-Family District
165.28 RM - Residential Multi-Family District
165.30 MH - Mobile Home District
165.32 AC - Arterial Commercial District
165.34 NC - Neighborhood Commercial District
165.36 GC - General Commercial District
165.38 LI - Light Industrial District
165.40 HI - Heavy Industrial District

SUPPLEMENTARY DISTRICT REGULATIONS
165.45 Supplementary District Regulations

ADMINISTRATION
165.50 Administration and Enforcement
165.51 Zoning/Building Permit Required
165.52 Occupancy Permit Required
165.53 Certificate Issued
165.54 Temporary Certificate

BOARD OF ADJUSTMENT
165.60 Board of Adjustment; Establishment and Procedure
165.61 Board of Adjustment; Powers and Duties
165.62 Appeals from the Board of Adjustment

ENFORCEMENT AND AMENDMENTS
165.70 Enforcement and Interpretation
165.71 Amendments
165.72 Penalties for Violation
165.73 Schedule of Fees, Charges and Expenses
165.74 Complaints Regarding Violations

GENERAL PROVISIONS AND DEFINITIONS

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

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

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

2. No part of a yard, or other open space, or off-street parking or loading space required about or in connection with any building for the purpose of complying with this chapter, shall be included as part of a yard, open space, or off-street parking or loading space similarly required for any other building.

3. No yard or lot existing at the time of passage of this chapter shall be reduced in dimension or area below the minimum requirements set forth herein. Yards or lots

created after the effective date of this chapter shall meet at least the minimum requirements established by this chapter.

4. Whenever the requirements of this chapter are at variance with the requirements of any other lawfully adopted rules, regulations, ordinances, deed restrictions, or covenants, the most restrictive or that imposing the higher standards shall govern.

165.03 ESTABLISHMENT OF DISTRICTS; OFFICIAL ZONING MAP.

1. Official Zoning Map. The City shall be divided into districts, as shown on the Official Zoning Map which, together with all explanatory matter thereon, shall be adopted by ordinance.

The Official Zoning Map shall be identified by the signature of the Mayor, attested by the City Clerk and bearing the Seal of the City, under the following words: "This is to certify that this is the Official Zoning Map referred to in Section 165.03(1) of the Code of Ordinances of the City of Iowa Falls, Iowa," together with the date of adoption.

If, in accordance with the provisions of this chapter and Chapter 414, Code of Iowa, changes are made in district boundaries or other matter portrayed on the Official Zoning Map, such changes shall be entered on the Official Zoning Map promptly after the amendment has been approved by the City Council, with an entry on the Official Zoning Map as follows: "By official action of the City Council, the following changes were made on the Official Zoning Map." (Indicating the changes by ordinance numbers and date of publication.)

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

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

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

165.04 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 following railroad lines shall be construed to be midway between the main tracks.

5. Boundaries indicated as 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 center lines of streams, rivers, 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 through 3 above shall be so construed. Distances not specifically indicated on the Official Zoning Map shall be determined by the scale of the map.

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 above, the Board of Adjustment shall interpret the district boundaries.

8. Whenever Council vacates and disposes of a street or alley, adjacent districts shall extend to the centerline of the vacation.

9. Whenever a variance exists between the Zoning Map and the legal description on an amendment to this chapter, the legal description applies.

165.05 DEFINITIONS. For the purposes of this chapter, certain terms or words used herein shall be interpreted as follows. The words "used or occupied" include the words "intended, designed or arranged to be used or occupied." The word "lot" includes the words "plot or parcel."

1. "Abutting" means having property or district lines in common.

2. "Access" means a way of approaching or entering a property from a public street.

3. "Accessory Buildings" means a subordinate building located on the same lot with the main building, occupied by or devoted to an accessory use. Where an accessory building is attached to the main building in a substantial manner, as by a wall or roof, such accessory building shall be considered part of the main building.

4. "Accessory Use" means a use customarily incidental and subordinate to the main use or building and located on the same lot therewith. In no case shall such accessory use dominate, in area, extent or purpose, the principal lawful use or building.

5. "Agriculture" means the production, keeping or maintenance, for sale, lease, or personal use, of plants and animals useful to man, including but not limited to: forages and sod crops; grains and seed crops; dairy animals and dairy products; poultry and poultry products; livestock, including beef cattle, sheep, swine, horses, mules, or goats, or any mutations or hybrids thereof including the breeding and grazing of any or all such animals; bees and apiary products; fur animals; trees and forest products; fruits of all kinds; vegetables; or lands devoted to a soil conservation or forestry management program.

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

7. "Basement" means a story having part but not more than one-half (½) its height above grade. A basement shall be counted as a story if the vertical distance from the average adjoining grade to its ceiling is over five (5) feet.

8. "Bed and Breakfast Houses" means a house or portion thereof where short-term lodging, rooms, and meals are provided. The operator shall live on the premises.

9. "Board" means the Board of Adjustment.

10. "Boarding Houses" means a building other than a hotel where, for compensation, meals and lodging are provided for four (4) or more persons.

11. "Building" means any structure designed or intended for the support, enclosure, shelter, or protection of persons, animals, or property, but not including signs or billboards and not including structures, or vehicles originally designed for transportation purposes.

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

13. "Clinic" means an establishment where patients are not lodged overnight, but are admitted for examination and treatment by a group of physicians or dentists practicing medicine together. "Clinic" shall also be construed to include veterinary clinics which may house small animals for an extended period of time provided that all phases of the business are conducted within a building where noises and odors are not evident.

14. "Convenience Store" means any retail establishment offering for sale pre-packaged food products, household items, newspapers and magazines, and sandwiches and other freshly prepared foods for off-site consumption.

15. "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.

16. "Dwelling" means any building, or portion thereof, which is designed or used exclusively for residential purposes, but not including a tent, cabin or trailer. Dwellings shall be permanently affixed to the real estate and taxed as real property.

17. "Dwelling, Multiple" means a building or portion thereof designed for or occupied exclusively for residence purposes by three (3) or more families. This may include, but not be limited to, such buildings as commonly referred to as condominiums, apartment buildings or row/cluster buildings.

18. "Dwelling, One-family, Bi-attached" means a dwelling designed for or occupied by one (1) family and which is erected on a separate lot and is joined to another such residence on one side only by an approved wall located on the lot line and which has yards on the remaining sides.

19. "Dwelling, Single-family" means a building designed for or occupied exclusively by and for residence purposes by one (1) family and having no common walls with other dwellings.

20. "Dwelling, Two-family" means a building designed for or occupied exclusively by and for residence purposes by two (2) families.

21. "Family" means a group of persons occupying a dwelling unit as an individual housekeeping organization. A family may include not more than two (2) persons not related by blood, marriage, adoption or legal process.

22. "Family Home" means a community-based residential home which is licensed as a residential care facility under Chapter 135C, *Code of Iowa*, or as a child foster care facility under Chapter 237, *Code of Iowa*, to provide room and board, personal care, rehabilitation services, and supervision in a family environment exclusively for not more than eight (8) developmentally disabled persons and any necessary support personnel. However, "family home" does not mean an individual foster care family home licensed under Chapter 237, *Code of Iowa*.

23. "Floor Area" means the total number of square feet of floor area within the exterior walls of a building, not including space in cellars or basements; however, if the cellar or basement is used for business or commercial purposes it shall be counted as floor area in computing off-street parking requirements.

24. "Foundation" means the minimum requirements for the foundation of a dwelling or for a manufactured home, placed outside of an approved mobile home park, shall be a perimeter trench footing that is no smaller than the width and length of the proposed home. The minimum trench footing width shall be four (4) inches but, in no event, no less than the width of the foundation wall. The trench footing depth shall be forty-two (42) to forty-eight (48) inches. No reinforcement is required. The foundation wall shall be four (4), six (6), or eight (8) inch block, brick, or stud wall, with siding to match the home. An access door to the underfloor space shall be provided. All other State support and tie-down requirements shall be met. It is the intent herein to provide a foundation which is compatible with the structural design of a home or of a manufactured home, and which ensures visual compatibility with surrounding residential structures.

25. "Frontage" means all the property on one (1) side of a street between two (2) intersecting streets (crossing or terminating), measured along the line of the street, or if the street is dead-ended, then all of the property abutting on one side between an intersecting street and the dead end of the street, but not including property more than four hundred (400) feet distant on either side of a proposed building or structure.

26. "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.

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

28. "Garage, Public" means any building or premises except those used as a private or storage garage, used for equipping, repairing, hiring, selling, or storing motor driven vehicles. The term "repairing" does not include an automotive body repair shop nor the rebuilding, dismantling, or storage of wrecked or junked vehicles.

29. "Grade" means the average level of the finished surface of the ground adjacent to the exterior walls of the building, except when any wall approximately parallels and is not more than five (5) feet from a street line, then the elevation of the street at the center of the wall adjoining the street shall be grade.

30. "Group Home" means any building used for a residential purpose by a group of people numbering three (3) or more who are not related by blood, marriage, adoption or legal process and who are congregated together due to a physical handicap, a mental handicap, a mutual disadvantage or a common good. This shall be in contradistinction to a rehabilitation center or lodging house as defined in this chapter.

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

A. Residential Care Facility - Any institution, place, building, or agency providing for a period exceeding twenty-four (24) consecutive hours accommodation, board, personal assistance and other essential daily living activities to three (3) or more individuals, not related to the administrator or owner thereof within the third degree of consanguinity, who by reason of illness, disease, or physical or mental infirmity are unable to sufficiently or properly care for themselves but who do not require the services of a registered or licensed practical nurse except on an emergency basis.

B. Intermediate Care Facility - Any institution, place, building or agency providing for a period exceeding twenty-four (24) consecutive hours accommodation, board, and nursing services, the need for which is certified by a physician, to three (3) or more individuals, not related to the administrator or owner thereof within the third degree of consanguinity, who by reason of illness, disease, or physical or mental infirmity require nursing services which can be provided only under the direction of a registered nurse or a licensed practical nurse.

C. Skilled Nursing Facility - Any institution, place, building, or agency providing for a period exceeding twenty-four (24) consecutive hours accommodation, board, and nursing services, the need for which is certified by a physician, to three (3) 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 (24) hour per day basis.

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

A. No persons other than members of the family residing on the premises shall be engaged in such occupation, except by authorization of the Board of Adjustment, in which case the Board will allow one (1) person from outside the family to be employed.

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 fifty (50) percent of the gross floor area of one (1) floor of the dwelling unit shall be used in the conduct of the home occupation, with the exception of in-home daycare as it provides an essential service for the City. ***(Ord. 1160 – Oct. 22 Supp.)***

C. There shall be no change in the outside appearance of the building or premises, or other visible evidence of the conduct of such home occupation

other than one (1) sign, not exceeding two (2) square feet in area, nonilluminated, and mounted flat against the wall of the principal building.

D. 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.

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

All Home Occupations shall be required to obtain a Special Exception from the Board of Adjustment.

33. "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 (24) hours of two (2) 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 (24) hours of obstetrical or other medical or nursing care for two (2) or more nonrelated individuals, or any institution, place, building or agency in which any accommodation is primarily maintained, furnished or offered for the care over a period exceeding twenty-four (24) hours of two (2) or more nonrelated aged or infirm persons requiring or receiving chronic or convalescent care; and shall include sanitariums or other related institutions. Provided, however, this shall not apply to hotels or other similar places that furnish only food and lodging, or either, to their guests. "Hospital" shall include, in any event, any facilities wholly or partially constructed or to be constructed with federal financial assistance, pursuant to Public Law 725, 79th Congress, approved August 13, 1946.

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

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

36. "Kennel (Commercial)" means an establishment in which dogs or domestic animals more than one (1) year old are housed, groomed, bred, boarded, trained, or sold.

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

38. "Lot" means for purposes of this chapter, a parcel of land of at least sufficient size to meet minimum zoning requirements for use, coverage, and area, and to provide such yards and other open spaces as are herein required. Such lot shall have frontage on an approved 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.

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

40. "Lot Measurements":

A. 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.

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

41. "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.

42. "Lot Types" - The chart on the following page illustrates terminology used in this chapter with reference to "corner" lots, "interior" lots, "through" lots, and "reversed corner" lots as follows:

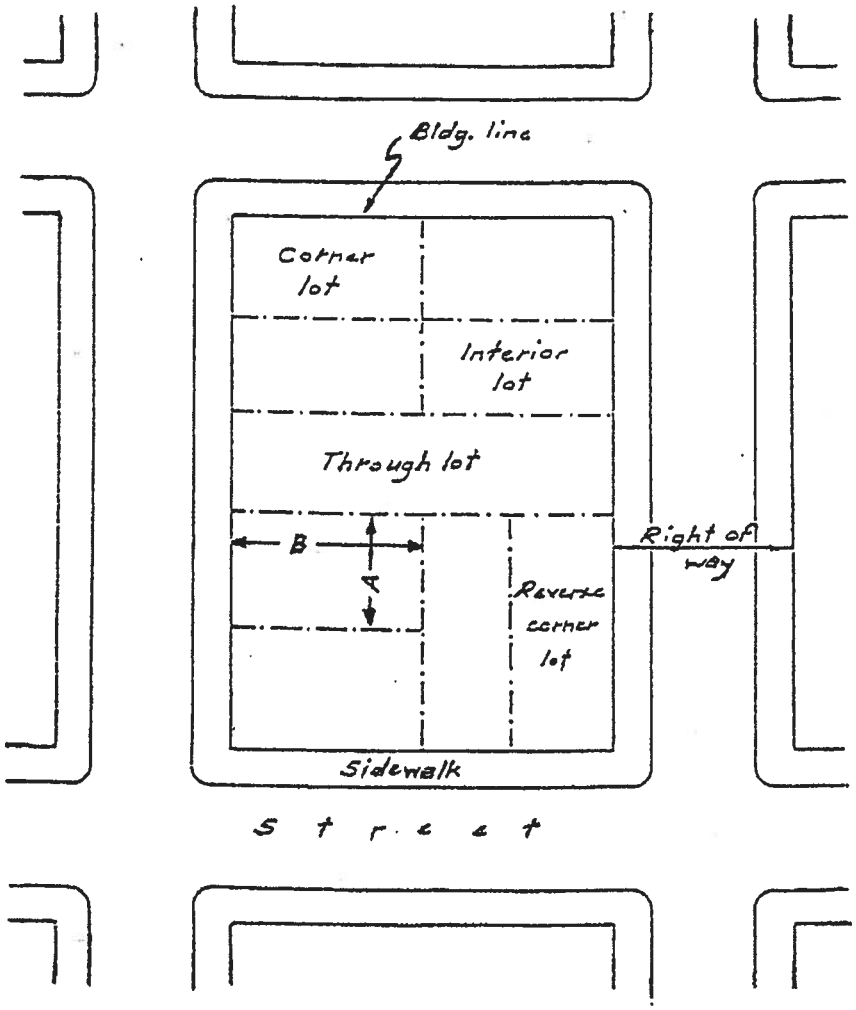
A. "Corner" lot - a lot located at the intersection of two (2) or more streets.

B. "Interior" lot - a lot other than a corner lot with only one (1) frontage on a street other than an alley.

C. "Through" lot - a lot other than a corner lot with frontage on more than one (1) street other than an alley. Lots with frontage on two (2) nonintersecting streets may be referred to as "through" lots.

D. "Reversed Corner" lot - a corner lot, the side street line of which is substantially a continuation of the front lot line of the first lot to its rear.

CHART – LOT



A - Width of lot

B - Depth of lot

43. "Manufactured Home" means a factory-built structure, built under the authority of 42 U.S.C. Sec. 5403, which was constructed on or after June 15, 1976, and is required by Federal law to display a seal from the United States Department of Housing and Urban Development. For the purpose of this chapter, a manufactured home shall be considered the same as any site-built, single-family detached dwelling. It shall be located in accordance with the setback, lot size, minimum square footage, and hook-up requirements for a site-built, single-family detached dwelling on the same lot. It shall be installed with a permanent foundation system for a manufactured home as described in this chapter under "foundation."

44. "Mobile Home" means any vehicle without motive power used or so manufactured or constructed as to permit its being used as a conveyance upon the public

streets and highways and so designed, constructed or reconstructed as will permit the vehicle to be used as a place for human habitation by one or more persons; but also includes any such vehicle with motive power not registered as a motor vehicle in Iowa. A mobile home means any such vehicle built before June 15, 1976, which was not built to a mandatory building code and which contains no State or Federal seals.

45. "Mobile Home Park" means any site, lot, field or tract of land upon which three (3) or more mobile homes or manufactured homes, or a combination of any of these homes, are placed on developed spaces and operated as a for-profit enterprise with water, sewer or septic, and electrical services available. The term "mobile home park" is not to be construed to include mobile homes, buildings, tents or other structures temporarily maintained by any individual, educational institution or company on their own premises and used exclusively to house their own labor or students. The mobile home park shall meet the requirements of any zoning regulations that are in effect.

46. "Modular Home" means a factory-built structure which is manufactured to be used as a place of human habitation, is constructed to comply with the Iowa State Building Code for modular factory-built structures, and must display the seal issued by the State Building Code Commissioner. Once certified by the State, a modular home shall be subject to the same standards as a site-built home. It shall be located in accordance with the setback, lot size, minimum square footage and hook-up requirements for a site-built, single-family dwelling or multi-family dwelling on the same lot, whichever is applicable. It shall be installed with a permanent foundation system as required by this chapter for a site-built, single-family or multi-family detached dwelling, whichever is applicable.

47. "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.

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

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

50. "Occupancy Permit" means a certificate issued by the administrative officers stating that the building and use comply with the provisions of these zoning regulations. Occupancy permits shall be granted for new construction and other activities for which a building/zoning permit is required.

51. "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.

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

53. "Preschool/Child Care Center" means an establishment providing for the care, supervision and protection of children for a fee.

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

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

56. "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. "Service Station" shall also include convenience stores if the convenience store offers for sale any of the above.

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

58. "Story" means that portion of a building included between the surface of any floor and the surface of the floor next above it, or if there is no floor above it, then the space between the floor and the ceiling or roof next above it.

59. "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.

60. "Street" means all property dedicated or intended for public or private use for access to abutting lands or subject to public easements therefor, and whether designated as a street, highway, thoroughfare, parkway, throughway, expressway, road, avenue, boulevard, lane, place, circle, or however otherwise designated.

61. "Street Line" means the right-of-way line of a street.

62. "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.

63. "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 and excluding temporary political and real estate signs but not including fences or walls used as fences. The term "structure" shall not include vehicles or structures originally designed for transportation purposes. ***(Ord. 977 – Nov. 10 Supp.)***

64. "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.

65. "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.

66. "Yard" means an open space on the same lot with a building, unoccupied and unobstructed by any portion of a structure from the ground upward, excepting as otherwise provided herein. In measuring a yard for the purpose of determining the depth of a front yard or the depth of a rear yard, the least distance between the lot line and the main building shall be used. Fences and walls are permitted in any yard, subject to height limitations as indicated herein.

67. "Yard, Front" means a yard extending across the full width of the lot and measured between the front lot line and the building or any projection thereof, other than the projection of the usual steps or unenclosed porches. On corner lots the front yard shall be either side for the purpose of selecting the rear yard. Corner lots shall meet the front yard requirements on each street frontage. (See chart on following page)

68. "Yard, Rear" means a yard extending across the full width of the lot and measured between the rear lot line and the building or any projections other than steps, unenclosed balconies or unenclosed porches. On interior lots the rear yard shall be the opposite end of the lot from the front yard. (See chart on following page)

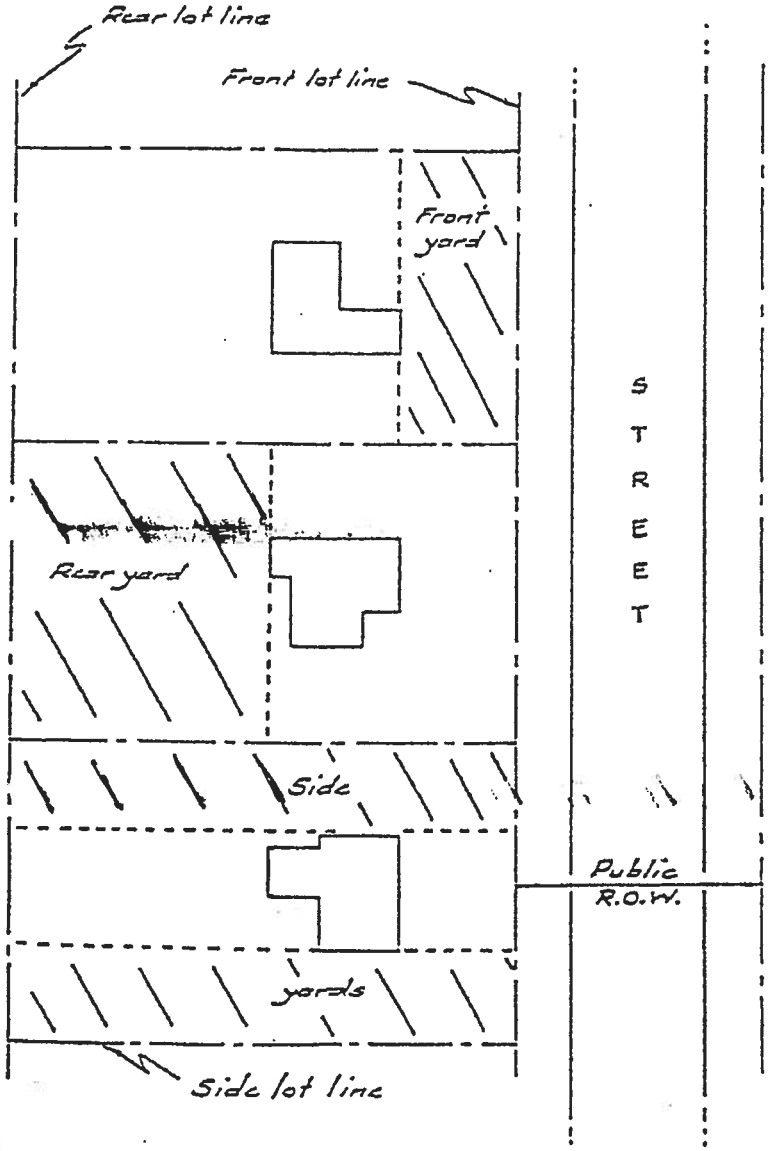
69. "Yard, Side" means a yard extending from the front yard to the rear yard and measured between the side lot lines and the building. On corner lots the yard not designated as front or rear yard shall be considered the yard. Each corner lot shall have two (2) front and two (2) side yards. (See chart on following page)

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

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

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

CHART - YARD


Rear lot line
Front lot line
Front yard
STREET
Rear yard
Side
Public R.O.W.
yards
Side lot line

NONCONFORMITIES

165.10 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,

which were lawful before this chapter was passed or amended, but which are prohibited, regulated, or restricted under the terms of this chapter or future amendment. It is the intent of this chapter to permit these nonconformities to continue until they are removed, but not to encourage their survival. Further nonconformities shall not be enlarged upon, expanded or extended, nor be used as grounds for adding other structures or uses prohibited elsewhere in the same district, but it is the intent of this chapter to allow structures which were nonconforming under the previous ordinance, but which are conforming under this chapter, to be considered legal as of the date of adoption of this chapter 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 this chapter and upon which actual building construction has been carried on diligently. Actual construction is hereby defined to include the placing of construction materials in permanent position and fastened in a permanent manner. Where excavation or demolition or removal of an existing building has been substantially begun preparatory to rebuilding, such excavation or demolition or removal shall be deemed to be actual construction, provided that work shall be carried on diligently.

165.11 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 that was recorded under separate ownership at the effective date of adoption or amendment of this chapter, 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 shall conform to the regulations for the district in which such lot is located. Variance of yard requirements shall be obtained only through the action of the Board of Adjustment except that in the case of destruction the same dimensions of any building comprising the same location may be permitted.

165.12 NONCONFORMING USES OF LAND (OR LAND WITH MINOR STRUCTURES ONLY). Where at the time of passage of this chapter lawful use of land exists which would not be permitted by the regulations imposed by this chapter, and where such use involves no individual structure with a replacement cost exceeding one thousand dollars ($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 unless a special exception is granted by the Board of Adjustment.

4. No additional structure not conforming to the requirements of this chapter shall be erected in connection with such nonconforming use of land.

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

1. No such nonconforming structure may be enlarged or altered in such a way which increases its nonconformity, but any structure or portion thereof may be altered to decrease its nonconformity.

2. Should such nonconforming structure or nonconforming portion of structure be destroyed by any means to less than sixty-five (65) percent replacement value, it shall be allowed to be reconstructed to its previous dimensions or to dimensions which decrease the nonconformity. If the structure is damaged to more than sixty-five (65) percent, the Board of Adjustment may allow reconstruction to meet public needs.

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.

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

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

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

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

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

5. When a nonconforming use of a structure, or structure and premises in combination, is discontinued or abandoned for twelve (12) consecutive months or for eighteen (18) months during any three (3) 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 except by special exception of the Board of Adjustment when it is found that the use meets the public need.

6. When nonconforming use status applies to a structure and premises in combination, removal or destruction of the structure shall eliminate the nonconforming status of the land. Destruction for the purpose of the subsection is defined as damage to an extent of more than sixty-five (65) percent 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.

165.15 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 this chapter shall not be increased.

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

[The next page is 955]

DISTRICT REGULATIONS

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

AG	Agricultural District
LD	Limited Development District
RS	Residential Single-Family District
RM	Residential Multi-Family District
MH	Mobile Home District
AC	Arterial Commercial District
NC	Neighborhood Commercial District
GC	General Commercial District
LI	Light Industrial District
HI	Heavy Industrial District

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

o o o o o o o o o o

165.22 AG – 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 is 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 AG District:

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

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

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

B. Private garages, barns and other farm buildings.

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

D. Temporary buildings for the uses incidental to construction work, which 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 AG District subject to specific conditions and requirements intended to make them compatible with and acceptable to adjacent uses.

A. Cemeteries, crematories or mausoleums.

B. Commercial kennels.

C. Stables, private or public.

D. Greenhouses and nurseries.

E. Dwellings: single-family, two-family, and multi-family, other than farm houses which are permitted uses.

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.

J. Extraction of minerals or raw materials.

K. Home occupations.

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

	Min. Lot Area	Min. Lot Width (feet)	Min. Front Yard (feet)	Min. Side Yard (feet)	Min. Rear Yard (feet)	Max. Height (lesser of)
Dwelling	2 acres	150	60	50	50	2½ stories or 35 feet

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

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

B. Churches: one (1) parking space on the lot for each 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 or one (1) parking space for each five (5) seats in the main assembly 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 AG District.

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

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

8. Signs. Sign regulations are administered under the rules of the *Uniform Sign Code* as adopted by the City of Iowa Falls.

[The next page is 965]

165.24 LD – LIMITED DEVELOPMENT DISTRICT.

1. Intent. This district is intended to include those areas within the City which have extreme limitations for development. These limitations may include, but not be limited to, flood hazards and/or unstable soil conditions.

2. Permitted Uses. The following uses are permitted in the LD District.

A. Undeveloped and unused land in its natural condition.

B. Public parks and recreation open space.

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

A. Agriculture, exclusive of dwelling units.

B. Agricultural or recreational buildings or structures whose use or value would not be impaired by being flooded.

C. Flood control structures.

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

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

4. Special Exceptions. Certain uses may be permitted in the LD 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 LD District.

Min. Lot Area	Min. Lot Width (feet)	Min. Front Yard (feet)	Min. Side Yard (feet)	Min. Rear Yard (feet)	Max. Height (lesser of)
5 acres	200	50	20	50	2½ stories or 35 feet, excluding farm buildings

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

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

A. All activities or uses allowed in the LD 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. Sign regulations are administered under the rules of the Uniform Sign Code as adopted by the City of Iowa Falls.

[The next page is 971]

165.26 RS – RESIDENTIAL SINGLE-FAMILY DISTRICT.

1. Intent. This district is intended to provide for a variety of single-family and two-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. 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 RS District.

A. Single-family detached dwellings.

B. Two-family dwellings.

C. Family homes.

D. Bi-attached dwellings.

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

A. Private garages.

B. Private recreational facilities. Private swimming pools shall have a non-climbable fence at least six (6) feet in height.

C. Temporary buildings for the use incidental to construction work, which buildings shall be removed upon the completion or abandonment of the construction work.

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

A. Preschools and child care centers.

B. Churches.

C. Publicly owned and operated buildings and facilities.

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

E. Satellite dishes.

F. Home occupations in accessory buildings.

G. Home occupations.

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

I. Group homes.

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

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

	Min. Lot Area (sq. ft.)	Min. Lot Width (feet)	Min. Front Yard (feet)	Min. Side Yard (feet)	Min. Rear Yard (feet)	Max. Height (lesser of)
Single-Family	7,000	66	25	6	20	2½ stories or 35 feet
Two-Family	9,000	75	25	6	20	2½ stories or 35 feet

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

A. Dwellings: two (2) parking spaces on the lot for each living unit in the building. For dwellings not consisting of living units: two (2) parking spaces on the lot for each two thousand (2,000) 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 (l) parking space for each three hundred (300) square feet of gross floor area or one (1) parking space for each five (5) seats in the main assembly area.

D. Elementary, junior high and equivalent private or parochial schools: one (1) parking space for each classroom and office plus one (1) parking space per each 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 five (5) students.

F. Colleges, universities, institutions of higher learning, and equivalent private or parochial schools: one (l) 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.

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

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

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

8. Signs. Sign regulations are administered under the rules of the Uniform Sign Code as adopted by the City of Iowa Falls.

[The next page is 977]

165.28 RM – RESIDENTIAL MULTI-FAMILY DISTRICT.

1. 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. 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 RM District.

A. Single-family detached dwellings.

B. Two-family dwellings.

C. Multi-family dwellings.

D. Family homes.

E. Bi-attached dwellings.

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

A. Private garages.

B. Parking lots.

C. Private recreational facilities. Private swimming pools shall have a non-climbable fence at least six (6) feet in height.

D. Temporary buildings for the use incidental to construction work, which buildings shall be removed upon the completion or abandonment of the construction work.

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

A. Preschools and child care centers.

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

C. Private schools with curriculum similar to public schools.

D. Lodging houses, dormitories, fraternities and sororities.

E. Group homes.

F. Offices and studios of professional persons.

G. Satellite dishes.

H. Bed and breakfast houses.

I. Health care facilities, hospitals and clinics.

J. Home occupations in accessory buildings.

K. Home occupations.

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

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

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

	Min. Lot* Area (sq. ft.)	Min. Lot Width (feet)	Min. Front Yard (feet)	Min. Side Yard (feet)	Min. Rear Yard (feet)	Max. Height (lesser of)
Single-Family	6,600	66	25	6	20	3 stories or 45 feet
Two and Multi-Family	8,000	66	25	6	20	3 stories or 45 feet

* Where public sewer facilities are not available, not less than one (1) acre of lot area is required.

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

A. Single-family dwellings: two (2) parking spaces on the lot.

B. Multi-family dwellings: two (2) parking spaces 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 (l) 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 five (5) 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 or one (1) parking space for each five (5) seats in the main assembly area.

H. Preschools and child care centers: one (1) parking space per employee.

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

A. All activities or uses allowed in the RM 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.

165.30 MH – MOBILE HOME DISTRICT.

1. Intent. This district is intended to provide for certain medium density residential areas in the City now developed as mobile home parks which by reason of their design and location are compatible with surrounding residential areas and areas of the City where similar development seems likely to occur. This district has useful application as a transition zone between shopping areas and residential areas and is normally located along thoroughfares where direct access to the site is available. It shall be unlawful for any person to operate a mobile home park within the City without the owner or lessee first having obtained a permit to operate and maintain a mobile home park from the City.

2. Permitted Uses. The following uses are permitted in the MH District.

   A. Mobile homes located in an approved mobile home park.

   B. Home occupations.

3. Accessory Uses.

   A. Private garages.

   B. Private recreational facilities.

   C. Temporary buildings for use incidental to construction work, which buildings shall be removed upon completion or abandonment of the construction work.

4. Special Exceptions.

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

   B. Preschools and child care centers.

   C. Churches or accessory facilities on or off site.

   D. Satellite dishes.

   E. Home occupations in accessory buildings.

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

5. Bulk Regulations.

Permit Required - A mobile park permit shall be required for any mobile home park constructed under the following regulations.

Issuance of a City Permit - Permits shall be issued by the Zoning/Building Administrator after plans have been submitted which conform to the following bulk requirements. Fees for said permit shall be established by Council resolution.

   A. Density is limited to nine (9) mobile homes per acre.

   B. No mobile home shall be located within five (5) feet of any driveway or parking space, within seventy-five (75) feet of the right-of-way line of a public street, or less than thirty-five (35) feet from the side or rear lot lines of the mobile home park.

C. Each mobile home site shall be provided with a stand consisting of a reinforced, four (4) inch, poured Portland cement concrete apron not less than eight (8) feet wide and forty-five (45) feet long and a paved outdoor patio of at least one hundred eighty (180) square feet located at the main entrance to the mobile home.

D. A greenbelt, at least twenty-five (25) feet in width, shall be located along all boundaries of each mobile home park, except where it is crossed by driveways.

E. Each mobile home shall be located on a lot having an area of at least four thousand five hundred (4,500) square feet provided.

F. All minimum street widths in mobile home parks shall be approved as private streets and further comply with the following.

(1)	No parking on street	1 way	14
		2 way	20
(2)	Parallel parking on side	1 way	20
(3)	Parallel parking both sides	1 way	26
		2 way	36

G. Parking areas shall be provided in all mobile home parks for use of park occupants and guests at the rate of at least two (2) off-street car spaces for each mobile home lot. Required car parking spaces shall be located so as not to exceed a distance of one hundred (100) feet from the mobile home that it is intended to serve. All parking areas shall be constructed with hard, smooth, dust-free surfacing.

6. Signs. Sign regulations are administered under the rules of the Uniform Sign Code as adopted by the City of Iowa Falls.

[The next page is 995]

165.32 AC – ARTERIAL COMMERCIAL DISTRICT.

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

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. Sale of used motor vehicles and towable recreational vehicles.

(Paragraph G – Ord. 1187 – Aug. 24 Supp.)

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

A. Private recreational facilities.

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

C. Private garages.

D. Parking lots.

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

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

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

B. Satellite dishes.

C. Dwellings, single-family, two-family and multi-family.

D. Group homes.

E. Health care facility.

F. Family homes.

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

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

Min. Lot Area (sq. ft.)	Min. Lot Width (feet)	Min. Front Yard (feet)	Min. Side Yard (feet)	Min. Rear Yard (feet)	Max. Height (lesser of)
6,600	50	60	If adjacent to a residential district, the side yard shall be equal to the minimum side yard required in the adjacent district, but in no instance less than 10 feet	If adjacent to a residential district, the rear yard shall be equal to the minimum rear yard required in the adjacent district, but in no instance less than 20 feet	3 stories or 45 feet

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

A. Sales and service building: one (1) parking space per three hundred (300) 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 or one (1) parking space for each five (5) seats in the main assembly area.

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

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

A. All activities or uses allowed in the AC District shall be provided with adequate receiving facilities accessible by motor vehicle 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. Sign regulations are administered under the rules of the Uniform Sign Code as adopted by the City of Iowa Falls.

[The next page is 1003]

165.34 NC – NEIGHBORHOOD COMMERCIAL DISTRICT.

1. Intent. This district is intended to provide certain areas of the City for the development of office and convenience services for persons living in neighboring residential areas. Some residential type structures are also permitted. The uses permitted are intended so as to protect the abutting and surrounding residential districts. This district is normally small in size and is often located as a transition between residential and commercial areas.

2. Permitted Uses. The following uses are permitted in the NC District.

A. Offices and clinics.

B. Sale and service of goods and products conducted entirely within the building, excluding any manufacturing or processing of goods or petroleum products, and excluding consumption of prepared foods except by employees of the premises, as well as excluding taverns, bars and entertainment establishments dispensing alcoholic beverages.

C. Undertaking establishments.

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

A. Private garages.

B. Parking lots.

C. Temporary buildings for the uses incidental to construction work, which buildings shall be removed upon the completion or abandonment of the construction work.

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

A. Single-family, two-family, or multi-family dwellings.

B. Churches and public owned and operated buildings and facilities.

C. Convenience stores which sell self-service petroleum products on the premises.

D. Group homes or family homes.

E. Preschools and child care centers.

F. Health care facility.

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

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

	Min. Lot Area (sq. ft.)	Min. Lot Width (feet)	Min. Front Yard (feet)	Min. Side Yard (feet)	Min. Rear Yard (feet)	Max. Height (lesser of)
Residential	6,000	60	25	6	20	3 stories or 45 feet
Other Uses	6,000	60	60	None, except that if abutting an "R" District, the side yard shall be 10 feet	None, except that if abutting an "R" District, the rear yard shall be 20 feet	3 stories or 45 feet

6. Off-street Parking. The following parking requirements shall apply to the NC 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. Offices: one (1) parking space per three hundred (300) square feet of gross floor area.

D. Clinics: one (1) parking space per three hundred (300) square feet of gross floor area.

E. Sales and service buildings: one (1) parking space per three hundred (300) square feet of gross floor area.

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

G. Public buildings and facilities: one (1) parking space per three hundred (300) square feet of gross floor area.

H. Undertaking establishments: one (1) parking space for each five (5) seats plus one (1) parking space for each vehicle maintained on the premises.

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

A. All activities or uses allowed in the NC 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. General Regulations. The following general regulations shall apply in the NC District.

A. All required yards, including those which may be used for off-street parking shall be landscaped. They shall be landscaped attractively with natural lawn, living trees and/or shrubs, etc. Any areas left in a natural state shall be properly maintained in a sightly and well-kept condition.

B. All business shall be conducted within an enclosed yard or building, except by special exceptions.

C. All right-of-way shall be landscaped attractively with lawn, etc. Any areas left in a natural state shall be properly maintained in a sightly and well-kept condition.

9. Signs. Sign regulations are administered under the rules of the Uniform Sign Code as adopted by the City of Iowa Falls.

[The next page is 1011]

165.36 GC – GENERAL COMMERCIAL DISTRICT.

1. Intent. This district is intended to provide for certain areas of the City for the development of service, retail, and other non-residential uses, excluding industrial and agricultural uses. The district regulations are designed to permit the development of service, retail and other non-residential uses 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 reason of noise, dust, smoke, odor, traffic, physical appearance, or other similar factors.

2. Permitted Uses.

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

B. Offices and clinics.

C. Publicly owned and operated buildings and facilities.

D. Sale of used motor vehicles and towable recreational vehicles

(Paragraph D – Ord. 1188 – Aug. 24 Supp.)

3. Accessory Uses. Uses of land or structures customarily incidental and subordinate to a permitted use in the GC District.

A. Private recreational facilities.

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

C. Private garages.

D. Parking lots.

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

4. Special Exceptions. Certain uses may be permitted in the GC District subject to specific conditions and requirements intended to make them compatible with and acceptable to adjacent uses. Setbacks shall be established by the Board of Adjustment and shall have the following minimums.

A. Warehousing.

B. Churches or accessory facilities on or off site.

C. Hotels and motels.

D. Dwellings, second floor and above.

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

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

Min. Lot Area (sq. ft.)	Min. Lot Width (feet)	Min. Front Yard (feet)	Min. Side Yard* (feet)	Min. Rear Yard* (feet)	Max. Height (lesser of)
None	None	None, except 20 feet where provided	None, except if a side yard is provided it shall be a minimum of 6 feet	None, except if a rear yard is provided it shall be a minimum of 20 feet	3 stories or 45 feet

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

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

A. Sales and service buildings: one (1) parking space per three hundred (300) 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 or one (1) parking space for each five (5) seats in the main assembly area.

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

F. Dwellings: two (2) spaces per unit.

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

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

8. Signs. Sign regulations are administered under the rules of the Uniform Sign Code as adopted by the City of Iowa Falls.

[The next page is 1017]

165.38 LI – LIGHT 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. 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 LI District.

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

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

C. Manufacture, compounding, assembly and/or treatment of articles or merchandise derived from previously prepared materials.

D. Assembly of appliances and equipment, including manufacture of small parts.

E. Wholesale distribution of all standard types of prepared or packaged merchandise.

F. Sale and storage of building materials. Outdoor or open storage shall be allowed.

G. Contractors' offices and storage of equipment.

H. Public garages including body shops.

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

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

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

4. Special Exceptions.

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

B. Sale of used motor vehicles and towable recreational vehicles.

(Paragraph B – Ord. 1189 – Aug. 24 Supp.)

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

Min. Lot Area (sq. ft.)	Min. Lot Width (feet)	Min. Front Yard (feet)	Min. Side Yard (feet)	Min. Rear Yard (feet)	Max. Height: (lesser of)
6,000	50	None, except if bordering a Residential Area, then 25 feet	None, except if adjacent to "RS" or "RM" Districts, then 10 feet	None, except if adjacent to "RS" or "RM" Districts, then 25 feet	3 stories or 45 feet

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

A. All commercial uses shall provide one (1) parking space on the lot for each 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 LI District.

A. All activities or uses allowed in the LI 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. Sign regulations are administered under the rules of the Uniform Sign Code as adopted by the City of Iowa Falls.

[The next page is 1023]

165.40 HI – HEAVY INDUSTRIAL DISTRICT.

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

2. Permitted Uses. There may be any use, excluding residential uses and mobile homes. The following uses must be given separate Board of Adjustment approval before a zoning/building permit is issued.

A. Acid manufacture.

B. Cement, lime, gypsum, or plaster of paris manufacture.

C. Distillation of bones.

D. Explosive manufacture or storage.

E. Fat rendering.

F. Fertilizer manufacture.

G. Gas manufacture.

H. Garbage, offal, or dead animals, reduction or dumping.

I. Glue manufacture.

J. Petroleum, or its products, refining of.

K. Smelting of tin, copper, zinc, or iron ores.

L. Stockyards or slaughter of animals.

M. Junk yards. (Repealed by Ordinance No. 1133 – Dec. 19 Supp.)

Before granting such separate approval, the Board of Adjustment shall refer applications to the Planning and Zoning Commission for study, investigation and report. If no report is received in thirty (30) days, the Board of Adjustment may assume approval of the application.

3. Board of Adjustment. The Board of Adjustment shall then after holding a public hearing consider all of the following provisions in its determination upon the particular use at the location requested.

A. That the proposed location design, construction, and operation of the particular use adequately safeguards the health, safety and general welfare of persons residing or working in adjoining or surrounding property.

B. That such use shall not impair an adequate supply of light and air to surrounding property.

C. That such use shall not unduly increase congestion in the streets, or public danger of fire and safety.

D. That such use shall not diminish or impair established property values in adjoining or surrounding property.

E. That such use shall be in accord with the intent, purpose and spirit of this chapter and the Comprehensive Plan of the City.

4. Required Conditions.

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

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

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

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

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

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

Min. Lot Area (sq. ft.)	Min. Lot Width (feet)	Min. Front Yard (feet)	Min. Side Yard (feet)	Min. Rear Yard (feet)	Max. Height: (lesser of)
None	None	None, except when adjacent to a Residential District, then 50 feet	None, except when adjacent to "RS" or "RM" District, then 50 feet; 25 feet from any "C" District	None, except when adjacent to "RS" or "RM" District, then 50 feet; 25 feet from any "C" District	3 stories or 45 feet

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

A. All commercial uses shall provide one (1) parking space on the lot for each 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.

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

A. All activities or uses allowed in the HI District shall be provided with adequate receiving facilities accessible by motor vehicle 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. Sign regulations are administered under the rules of the Uniform Sign Code as adopted by the City of Iowa Falls.

[The next page is 1035]

SUPPLEMENTARY DISTRICT REGULATIONS

165.45 SUPPLEMENTARY DISTRICT REGULATIONS.

1. Planned Unit Development. "Planned unit development" means an area of land to be developed as a single entity for a number of dwelling units and uses ancillary thereto, the plan for which may not conform to the lot size, bulk or type of building, density, lot coverage, required open space, or other requirements in any district established by any other chapters of this Code of Ordinances. Exceptions to provisions found in this chapter are hereby made for planned unit developments. Planned unit development, for purposes of these regulations, shall be considered a type of subdivision and will require approval as delineated in the City's subdivision regulations. **(See Chapters 170 and 171)**

2. Building Lines on Approved Plats. Whenever the plat of a land subdivision, approved by the Planning and Zoning Commission and on record in the office of the County Recorder, shows a building line along and frontage for the purpose of creating a front yard or side 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.

3. 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. Building permits shall not be issued for construction of improvements on premises which are not adjacent to a dedicated street or alley of the City unless the application for such permit has been submitted to and approved by the Board of Adjustment of the City.

4. One Main Building on a Lot. Every building hereafter erected or structurally altered shall be located on a lot as herein defined and in no case shall there be more than one (1) main building (principal use) on one (1) lot unless otherwise provided in this chapter. Where a lot or tract is used for farming or for a commercial or industrial purpose, more than one (1) main building may be located upon the lot or tract, but only when the buildings conform to all open space requirements around the lot for the district in which the lot or tract is located.

5. Accessory Buildings. Garages and accessory buildings shall comply with the following:

A. To obtain a building permit you must provide the City with a plot plan showing where the structure is to be located on the lot with the distances noted to the lot lines. (Copies of site plans may be available from the Director of Building and Zoning.) All buildings on your property must be shown on this drawing.

B. A structure less than 120 square feet of roofed area does not require a building permit, but must meet the minimum setback requirements.

C. Locate property lines exactly. Estimates are not acceptable. The City will request you show the City lot pins when the City comes out for a foundation inspection. A permit will not be issued if there is any doubt as to where they are located.

D. Check with the Utility Company regarding any utility easements. A building cannot be placed over an easement.

E. Any driveway, sidewalk or utility work in public right-of-way requires an approved right-of-way excavation permit; see the Director of Building and Zoning.

F. If a proposed garage is detached, it must be a minimum of two (2) feet from side and rear property lines, and when a garage is entered at a right angle from the alley, it shall be a minimum of ten (10) feet from said lot lines. No accessory building may be erected in any required front yard. An unattached garage shall not occupy more than thirty-five percent (35%) of the side or rear yard, and shall be a minimum of ten (10) feet from the house or separated by a minimum one (1) hour fire rated wall. A detached garage or accessory building shall not exceed twenty-one (21) feet in height. ***(Ord. 1041 – Oct. 13 Supp.)***

G. If the garage is attached either directly to the house or by a breezeway, it is considered part of the residence and must meet the setback requirements that apply to the residence.

If a garage is located closer than ten (10) feet to the main building, the garage shall be regarded as part of the main building for the purpose of determining side and rear yards.

No accessory building shall be constructed upon a lot until the construction of the main building has been actually commenced.

(Ord. 1041 – Oct. 13 Supp.)

H. If the garage is going to be attached to the house, the wall next to the house shall not have any openings other than a self-closing door which will be required to be a minimum of 1 3/8" solid core wood door or steel door with a 20 minute fire rating. No glass is allowed in the door except 1/4" wired glass held with steel stops. The wall next to the house shall be covered with a one hour rated separation on the garage side of the wall. This separation shall extend from the floor to the underside of the roof sheathing or the ceiling must be sheet rocked.

I. Frost depth footings are required if the structure is greater than 600 square feet or if it is attached to the house or other structure. Detached garages 600 square feet or less may be built on a four (4) inch slab reinforced with a minimum of a two (2) foot steel rebar grid and a minimum of a sixteen (16) inch deep, four (4) inch wide trenched footing.

J. Frost depth footings are 42" deep.

K. All new driveways shall be concrete or asphalt in the street right-of-way.

L. No accessory building shall be used without occupancy of the principal building.

M. No accessory building shall be used for dwelling purposes other than by domestic servants employed entirely on the premises.

N. Roofs shall be designed with a live load of 30 pounds per square foot.

6. Fences. In all districts, fences and walls not exceeding six (6) feet in height are permitted within the limits of side and rear yards. Every fence erected shall be done in the following manner: Posts, supporting rails and other such supporting elements when located to one side of the screening materials shall be on and shall face the property on

which the fence is located. A fence or wall not exceeding four (4) feet in height is permitted within the limits of front yards. In the case of retaining walls supporting embankments, the above requirements shall apply only to that part of the wall above the ground surface of the retained embankment. All fences shall be constructed with materials such as: chain link, Polyvinyl Chloride (PVC), treated wood, concrete, masonry or other type materials approved by the Board of Adjustments. Property owner or contractor must show location of property survey pins or markers to the Director of Building and Zoning before constructing fence.

On corner lots in all districts, no fence, wall, or other structure shall be erected to a height of more than three (3) feet above the elevation of the established curb grade at the intersection of the streets on that part of any yard which is bounded by the street lines of the intersecting streets and a line connecting two (2) points on the street lines, twenty (20) feet from their point of intersection. In addition, no planting of foliage which will obstruct the view of drivers of vehicles approaching the street intersection shall be placed or maintained within such area.

Invisible pet fences shall be at least three feet back from any sidewalk in the public right-of-way and three feet back from any property line and requiring that a sign be posted three feet back from the sidewalk indicating that there is an invisible pet fence in use. The sign shall be a minimum of one (1) square foot in area and shall not exceed two (2) square feet in area.

(Ord. 1067 – Nov. 15 Supp.)

7. Height Limits. Unless regulated by ordinance elsewhere in this Code of Ordinances, chimneys, church steeples, cooling towers, elevator bulkheads, fire towers, monuments, stacks, stage towers or scenery lofts, tank, water towers, ornamental towers, spires, grain elevators, or necessary mechanical appurtenances are exempt from height regulations in Sections 165.22 through 165.40. (See Airport Height Regulations chapter for further restrictions in airport and airspace zone.)

8. Projections. Sills, belt courses, cornices, and ornamental features may project only one (1) foot into a required yard.

9. Fire Exits and Chimneys. 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 (3½) feet when so placed as not to obstruct light and ventilation, may be permitted by the Zoning/Building Administrator.

10. Porches. Open, unenclosed porches may extend ten (10) feet into a front yard.

11. Terraces. 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.

12. Service Lines. Nothing in this chapter shall have the effect of prohibiting utility service lines.

13. Yards and Visibility. On a corner lot in any district, nothing shall be erected, placed, planted or allowed to grow in such a manner as materially to impede vision between a height of three (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 (20) feet from the point of the intersection. (See diagram on following page)

14. Swimming Pools. Private swimming pools shall be allowed only in rear yards and shall not be allowed in front or side yards and shall have a non-climbable fence at least six (6) feet in height. ***(Ord. 1050 – Oct. 14 Supp.)***

15. Propane Tanks. Propane tanks shall be located in compliance with State of Iowa requirements and regulations.

16. Residential Dwelling Standards. All single-family dwelling units shall meet the following minimum standards.

A. The minimum dwelling width shall be twenty (20) feet at the exterior dimension exclusive of decks, porches, enclosed entry-ways, or other projects.

B. A permanent foundation constructed in accordance with the definition of foundation in this chapter shall be required of all dwellings and shall further be required of all manufactured homes constructed outside a mobile home park as defined herein and all modular homes constructed outside a mobile home park as described herein and no such dwelling, manufactured home, or modular home shall be occupied until the required foundation is installed therein.

C. All dwelling units shall provide for a minimum of five hundred (500) square feet on the main floor.

(Ord. 1080 – Dec. 16 Supp.)

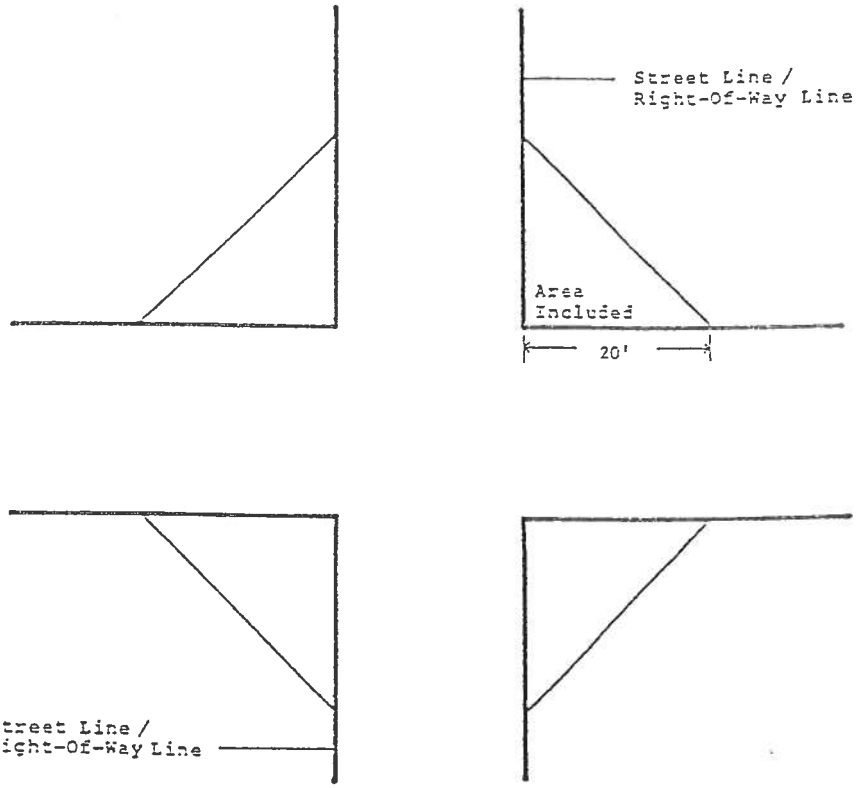
17. Public or private utility substations, relay station, etc. as used in this chapter shall not include commercial communications towers and antennas as regulated elsewhere in this Code of Ordinances.

[The next page is 1045]

Chapter 165.45.13
Yards and Visibility

DIAGRAM

Corner Lots - Yards and Visibility



ADMINISTRATION

165.50 ADMINISTRATION AND ENFORCEMENT. A Zoning/Building Administrator designated by the City Manager shall administer and enforce this chapter. The administrator may be provided with the assistance of such other persons as the City Manager may direct.

165.51 BUILDING PERMIT REQUIRED. No building or structure shall be erected, constructed, enlarged, altered, repaired, moved, improved, removed, converted, or demolished unless a separate permit for each building or structure has first been obtained from the Zoning/Building Administrator. No 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 building permits shall be as provided by ordinance. Building permits shall be applied for with the Zoning/Building Administrator and shall expire two (2) years after the date of issuance if work is begun within one hundred eighty (180) days of issuance or after one hundred (180) days if no substantial beginning of construction has occurred. Extensions of time may be granted in writing by the Zoning/Building Administrator for good cause.

165.52 OCCUPANCY PERMIT REQUIRED. No new or remodeled building or structure for which a building permit is required shall be used or occupied until the Zoning/Building Administrator has issued a certificate of occupancy therefor as provided for in this chapter.

165.53 CERTIFICATE ISSUED. After a final inspection, if it is found that the building or structure complies with all the provisions of this chapter, the Zoning/Building Administrator shall issue a certificate of occupancy.

165.54 TEMPORARY CERTIFICATE. A temporary certificate of occupancy may be issued by the Zoning/Building Administrator for the use of a portion or portions of a building or structure prior to the completion of the entire building or structure.

oooooooooo

BOARD OF ADJUSTMENT

165.60 BOARD OF ADJUSTMENT; ESTABLISHMENT AND PROCEDURE.

1. Board Created. A Board of Adjustment is hereby established which shall consist of seven (7) members. The terms of office of the members of the Board and the manner of their appointment shall be by the Mayor with City Council approval. 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 the Chairperson's absence, the Acting Chairperson may administer oaths and compel the attendance of witnesses. All meetings shall be open to the public. The Board of Adjustment shall, through its Secretary, keep minutes of its proceedings, showing the vote of each member upon each question or if absent or failing to vote indicating such fact, and shall keep records of its examinations and other official actions, all of which shall be immediately filed in the office of the Board and shall be a public record. All actions of the Board concerning special exceptions or variances shall also be recorded in the office of the County Recorder. It shall be the responsibility of the appellant to record said action and all corresponding stipulations and further said action shall take effect upon the Board receiving sufficient confirmation of the same. A copy of said action shall also be filed in the office of the Zoning/Building Administrator.

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

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

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

B. The Board shall fix a reasonable time for the hearing of the appeal, and give not less than seven (7) days or more than twenty (20) days' public notice. 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 a restraining order which may be granted by the Board of Adjustment or by a court of record on application, on notice to the Zoning/Building Administrator from whom the appeal is taken and on due cause shown.

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

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

B. The Board shall fix a reasonable time for the hearing the special exception, and give not less than seven (7) days or more than twenty (20) days' public notice. At said hearing, any party may appear in person, by agent or by attorney.

C. The public hearing shall be held. Any party may appear in person, 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 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 seven (7) days or more than twenty (20) days' public notice. At said hearing, any party may appear in person, by agent or by attorney.

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

D. The Board of Adjustment shall make findings that requirements of Section 165.61(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.

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

165.62 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.

[The next page is 1061]

ENFORCEMENT AND AMENDMENTS

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

165.71 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 20 days prior to the hearing. In no case shall the public hearing be held earlier than the next regularly scheduled City Council meeting following the published notice. Such amendments may be initiated by the City Council on its own motion, and after report by the Planning and Zoning Commission, or may be initiated by any owner or owners of property. Owners of property may present a petition duly signed and verified, requesting an amendment, supplement or change in the regulations prescribed for a district or part thereof. Such petition shall be signed by the owners of at least fifty (50) percent of the area included in such proposed change and by the owners of fifty (50) percent of the property within two hundred (200) feet therefrom, and said petition shall be filed with the Planning and Zoning Commission. The Planning and Zoning Commission shall make a report to the City Council within sixty (60) days from the date of receipt of such petition. Notwithstanding Section 414.2, as a part of an ordinance changing land from one zoning district to another zoning district or an ordinance approving a site development plan, a Council may impose conditions on a property owner which are in addition to existing regulations if the additional conditions have been agreed to in writing by the property owner before the public hearing required under this section or any adjournment of the hearing. The conditions must be reasonable and imposed to satisfy public needs which are directly caused by the requested change. In 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 (20) percent or more of the area of the lots included in the proposed change or repeal, or by the owners of twenty (20) percent 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 (¾) of all the members of the Council. The protest, if filed, must be filed before or at the public hearing. All zoning amendment application forms shall be approved by resolution of the City Council.

165.72 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 violation of this Code of Ordinances, or such violation may be charged as a municipal infraction. 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.

165.73 SCHEDULE OF FEES, CHARGES AND EXPENSES OTHER THAN BUILDING PERMIT FEES. The City Council may establish by resolution a schedule of fees, charges, and expenses and a collection procedure for zoning district changes, appeals, and other matters pertaining to this chapter. The schedule of fees shall be posted in the office of the

Zoning/Building Administrator and the City Clerk and may be altered or amended only by the City Council, as recommended by the Commission.

165.74 COMPLAINTS REGARDING VIOLATIONS. Whenever a violation of this chapter occurs, or is alleged to have occurred, any person may file a signed 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.

EDITOR'S NOTE

The Official Zoning Map was adopted by Ordinance No. 1126 on January 21, 2019. The following ordinances have been adopted amending the Official Zoning Map of the City and have not been codified herein, but are specifically saved from repeal and are in full force and effect.

ORDINANCE	ADOPTED	ORDINANCE	ADOPTED
1148	June 21, 2021		
1170	September 19, 2022		
1196	March 18, 2024		

[The next page is 1085]